

Louisiana Bar ***JOURNAL***



James J. Davidson
LSBA President

Volume V
AUGUST, 1957
Number 1

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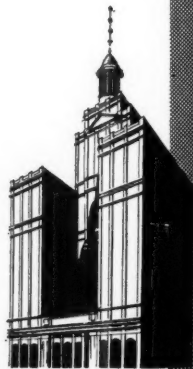
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Volume V

AUGUST, 1957

Number 1

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President's Page

THIS report is in a sense a personal message to each of the lawyers of Louisiana, and, at the outset, I wish again to express my deep appreciation for the honor of serving as your President, and for the opportunity you have given me to be of service to the bar. I am keenly conscious of the duties and obligations which are inherent in the office, and it is my hope that each of you will let me have your ideas, your suggestions and your criticisms in order that we may do our best to achieve the greatest good for our profession and our Association.

This is a year of particular significance to the organized bar of Louisiana. The members of the Louisiana State Bar Association have established the House of Delegates, and have increased the dues so as to enable the Association to expand its activities to properly and effectively represent and serve its members. It is now incumbent upon us to make effective the new charter provisions relating to the organization of the Association, and at the same time to expand and enlarge its activities to better serve the lawyers of the state. At this point, approximately three months after our annual meeting in Shreveport, it is my privilege to make this report of the progress made thus far.

At the time when the question of increasing the dues was presented to the members of the bar, it was suggested that a favorable vote would enable the

Association to promptly take two important steps. First it could employ the services of a full time lawyer, who would attend to some of the administrative duties of the bar, and also, as far as possible, work in the fields of Unauthorized Practice, and assist in the handling of problems of Grievances and Ethics. Secondly, it could undertake a broad and comprehensive program of public relations. Much has been done toward the accomplishment of both of these objectives.

In view of the obvious importance of the position of the full time attorney who is to serve the bar as "executive counsel", every effort has been made to insure the fact that the man selected will possess the best qualifications of those who might be available for the office. The members of the House of Delegates and the membership of the Association were asked to aid in suggesting lawyers who might be interested in the position. All who indicated an interest were urged to file applications, and the qualifications were carefully screened by a committee of the Board of Governors. Personal interviews have been held with all of those who are seeking the place, and such independent investigation as was indicated has been made.

As a result of the untiring work of this committee, a report will be presented to the Board of Governors at its September meeting setting forth its con-

clusions and recommendations. It is expected that the new "executive counsel" will do much to enable the Association to render better and more effective service to the lawyers of the state.

Public Relations is the key to any effective program of the bar. The development and implementation of such a program requires special training and special knowledge. In the attempt to properly plan, develop and implement the public relations program, a well recognized firm of Public Relations Counsellors was retained on behalf of the Association. Our Public Relations Counsel is to work in close harmony with your committee on Public Information, your Board of Governors, the House of Delegates and the officers of the Association in the attempt to build a sound public relations program for the bar. This issue of the Louisiana Bar Journal has been published under the guidance of our Public Relations Counsel. It is expected that through the continued effort of our Public Information Committee, with the aid and direction of our Public Relations Counsel, the lawyer will more and more be placed before the public in his true light so that he may both have and merit the confidence of the public.

The Association, acting through your Secretary, has been working with the Supreme Court and the West Publishing Company to reduce the delay between the date on which decisions of the Appellate Courts in this state are filed and the date they are reported in the advance sheets. The rather considerable delay between these two dates and the possibility of more prompt reporting of the decisions of Appellate Courts in Louisiana will be the topic of a panel

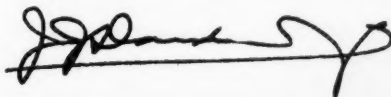
discussion at the forthcoming joint meeting of the District Judges Association and Judicial Conference on October 7.

The Conference of Local Bar Associations will be held in Alexandria on November 21, 22, and 23, 1957. The House of Delegates will hold its meeting on November 21st and a full agenda of business is anticipated. The sections and committees, which are charged with the responsibility of the program, are already at work in planning for the conference. We appreciate the cordial hospitality of the Alexandria Bar and are looking forward to the meeting.

In the field of Local Bar Activities, many local associations held public ceremonies at the time of the opening of the fall term of the District Court. Many local bars throughout the state are fully organized, and are cooperating in every way in carrying out the program of the State Association.

In order that your Association might have the advantage of the wisdom and experience of those who have directed the affairs of the organized bar in the past, the Board of Governors authorized the creation of an advisory committee composed of all the living past presidents of the State Association. Known as the "Past Presidents Advisory Committee," this group will be invaluable in connection with the many problems which arise from time to time.

As a result of the untiring efforts of the various committees which carry on the work of the bar, we believe that the groundwork has been laid for an effective program for your Association.



The Lawyer's Challenge in A Changing World

by Clarence A. Davis

I HOPE I have not reached that condition where I want to ruminate about the good, old—and presumably better—days, but I would like to examine for a few moments the position of our beloved profession in this very unsettled world and this rapidly changing society.

That we are living in an upset world, both internationally and domestically, is obvious to us all. Whether we are, as some historians believe, in transition from one great historic era, that is, nationalism and the supremacy of the West, into another great historic era, the awakening of the Asiatics and an era of internationalism, only future historians will chronicle.

At least we know now that the whole world is in turmoil and many ancient landmarks are being uprooted. This is as true of the law, no more, no less, than of the world society. The changes are of such vast import that few of us comprehend their magnitude.

Lessons of History Forgotten

Certainly, to a great many, and perhaps a majority of American lawyers, the world is going by pretty fast. It is going by the law they learned, the procedure they learned, the way they believe justice should be administered, and it is leaving many of the lawyers standing by open-mouthed while the diplomats, the economists, the sociologists, the accountants and the arbitrators write the laws and adjudicate a host of complicated problems, with slight regard indeed for the principles of law as we lawyers know them.

The violent social and economic upheavals attendant upon three wars in the

last forty years, together with a world-wide depression, have created such pressures for the doing of things under the pretext of that undefinable term called "emergency", that the voice of the lawyers pointing the sober lessons of history have been drowned in the clamor for social and economic change.

As a result, the social, economic and governmental structures of the United States and of many other nations have been materially altered.

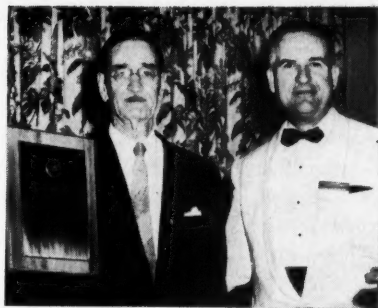
Understand Legal Values

Yet it was the lawyers who forged out of the common law the great principles of human liberty embodied in our Bill of Rights; who wrote the Constitution and plan of government of the United States; who instituted a government by law, that is, by fixed rules, applicable to us all, and not a government by the discretion of any man or group of men.

It is the lawyers, as a group, by reason of their education, background and experience in the orderly settlement of disputes in the field of human conflict and

Mr. Davis, of Washington, D. C. and Omaha, Neb., is a member of the House of Delegates and Chairman of the Committee on Civil Service of the American Bar Association. He recently served as Under-Secretary of the Department of the Interior.

Stephen A. Mascaro has served the Louisiana State Bar Association as Assistant Secretary for 50 years. As a token of their esteem and affection for him, and in recognition of his devoted service in behalf of the state's lawyers, the Bar presented Mr. Mascaro with a plaque and a check for \$1,000 at the Shreveport annual meeting. Mr. Mascaro is pictured here receiving the congratulations of Clarence L. Yancey, Immediate Past President of the state bar association.



in the assertion and protection of human rights, who are, of all professions, best equipped to understand at what cost of blood and conflict the basic landmarks of our legal system were established, to realize the turmoil and tragedy that arise from changing those landmarks in loose and ambiguous language, and by the use of undefined and undefinable terms; and to realize more acutely than any other group that the *procedure* by which human rights may be asserted or wrongs remedied may render ineffective the substantive law.

Liberty Is Personal

The lawyers know that the common law is a set of rules for human conduct, crystallized out of the accumulated ideals, wisdom and experience of humanity over several centuries, and that accumulated wisdom and experience is more apt to be right than the flash of some amateur's bright idea, no matter how seemingly brilliant. They know that human liberty must be personal—that it can never be collective.

Despite these things which are elementary to the lawyer, either economic conditions or political pressures have brought about great changes of such a basic nature that we are only now beginning to recognize their import.

THE practice of the law itself is in a state of transition. It was well expressed by William T. Gossett, Vice President and General Counsel of Ford Motor Company, when he said:

"Before the turn of the present century, the lawyer in this country was very largely concerned with clients who were already in difficulty at the time legal counsel was sought. That was the golden age of advocacy; and more often than not the lawyer's principal responsibilities were those of an advocate. He frequently was both eloquent and dramatic. He dealt with situations that had developed to a condition of a crisis. Like the country doctor, he was called in during emergencies to do what he could for his client. His job was to attack or defend. For the most part his eyes were turned toward the past—toward the events leading up to an existing situation. He sought to achieve the most satisfactory result which an existing set of conditions would permit."

Those were the great days of advocacy, and while they have not entirely passed, certainly much of the responsibility of the modern lawyer has moved into other fields. Preventive medicine has found its counterpart in preventive law, and the major business of the

country is conducted under the advice of retained counsel, corporate planning, estate planning and public relations planning.

The great field of the law is in services of that nature, and the lawyer must assume his place in guiding the economic, financial and social conduct of his client. As Mr. Gossett well put it again:

"The lawyer representing business today, if he is to live up to the challenge of his new responsibilities, will endeavor to avoid the errors of the past; he will shun the kind of advice which is motivated by a desire to preserve the rubrics of a vanished era; he will be alive to the social, economic and political implications of the time; he will avoid a narrow, short-sighted approach to his clients' problems; he will act with due regard for the social responsibilities of the enterprise; he will have the courage to advise against a business program or device which, although legally defensible, is in conflict with the basic principles of ethics. Failing this, he not only will be ignoring his obligations to society, he will be doing a disservice to his client, who may find himself in the position of winning a legal battle but losing a social war."

Illegal Practices

Many of us have not yet oriented ourselves to this steadily growing change in our professional work and responsibilities, and at the same time the turmoil in society has made possible the encroachment into what we choose to call the field of the lawyer of advisers from many other fields—the banks, the trust companies, the accountants, the real estate operators and many regulating and adjudicating agencies.

I do not propose to discuss here in detail the numerous fields in which we contend there is an illegal practice of law by various groups. Unquestionably, however, the sum total has been to divert into other channels many things which normally and logically would have fallen to the lawyer.

I have had my share of working out amicable agreements with these various groups, delineating their proper sphere of activity, but I must call to your attention the fact that a great deal of that encroachment is caused by the ineptness and indifference of the lawyers themselves.

Lawyer Indifference

How many times have we told clients to go get an accountant to handle their tax problems?

How many times have we said the printed form of the real estate firm is all right because we were so crowded with work we didn't want to bother to draw an individual contract?

How many times have we advised clients to go talk to a Government agency about the interpretation of rules and regulations relating to business, agriculture, welfare payments and things of official nature, because we did not want to go to the trouble and spend the time plowing through endless pages which we probably didn't have in our libraries anyhow?

Furthermore, the field of the law has become so vast I think we must admit that there are many persons in these other professions who are reasonably competent in the specialized and narrow field in which they operate, as contrasted with many general practitioners of the law.

THE only remedy for a great deal of this so-called encroachment on the profession is in keeping ourselves as practitioners really competent. The American Law Institute, through its continuing education program, the state associations through their numerous institutes, the regional meetings of the American Bar Association—all are designed to help the lawyer to keep abreast of developments and at least be aware of new problems. Their importance cannot be over-emphasized.

New fields of the law are constantly opening. I have been impressed with the fact that since Government spending is constituting such a high per cent of the total national expenditure, there is a vast field of Government contract and procurement law with which most of us are completely unfamiliar. Yet through subcontracting and material procurement the program reaches clear to the grassroots.

The profession is also under a great deal of pressure to devise means for the more prompt administration of justice. This problem is not so acute in most of our rural areas, but the congestion in our metropolitan centers is such as to constitute a national problem of maintaining the status of the judicial system as against arbitration and other supposed short-cuts to the settlement of controversies.

No one can deny that when dockets are so crowded that cases cannot be tried for as much as two or four years after they are filed, we are actually denying justice and, by delay, defeating plaintiffs and placing in the hands of defendants a weapon that is more valuable than any defense they might otherwise have.

In spite of these rather obvious facts, there is still a substantial segment of the bar which opposes the expedition of the judicial machinery, a feeling that their education is about to be repealed. There is opposition still to the pretrial conference, to the summary judgment and to vesting in the trial courts more extensive power to expedite by various ways their own proceedings. And yet this opposition is the very thing which is continuing and magnifying the problem and on which the American Arbitration Association and numerous similar groups thrive.

Careful Look Needed

I am not one who would advocate the lowering of any of the fundamental safeguards which grow out of jury trials merely in the interests of speed, nor would I sacrifice the quality of justice to mere speed of handling, but I think we must all take a careful look at the procedures we follow and the delays that ensue if we are not to continue minimizing our profession and causing large parts of it to pass into the hands of others.

We are confronted with a most difficult problem by the great pressure of the radio and television for admission to our court rooms. The slogan that "the people ought to know" has a popular appeal, and some of the vaudeville acts that have been staged the last few years in Washington under the name of Congressional investigations have whetted the appetites of the curious and the idle for more similar entertainment. But I have yet to see the first witness who is not nervous and distracted by having a camera focused on him or a microphone pushed in front of his mouth. Yet we all know that the problem of keeping

witnesses calm and well composed as possible and impressed with the dignity and sanctity of court room proceedings is an important factor in obtaining the truth of a story.

And that is not to mention the fact that a trial judge, unless he is superhuman, will be affected in his conduct with the camera trained upon him.

Many Things to Learn

In addition to that, our friends of the press have a good many things to learn, including the fact that in any event they are only spectators and not participants. I know of no constitutional guarantees relating to the freedom of the press which justify walking up in front of a witness or walking up in front of a public speaker, shoving microphones under his face and snapping flash bulbs in his eyes, which I have personally seen all too frequently.

No one desires to suppress the news that legitimately grows out of our trials in our court rooms, but likewise, no one with the proper understanding of the dignity of judicial proceedings wishes them to be turned into a circus under the guise of freedom of the press. There is a happy medium. The radio and television associations are helping to attain it, and, I may add, the improvement in the mechanical techniques of both radio and television are in themselves very helpful.

There are mutual responsibilities with reference to this problem, and they will not be solved by mere criticism of the bench and bar for insisting on maintaining court room decorum.

THESE are some of the more superficial things that are affecting our profession. There are other more sub-

stantive and fundamental problems.

When we adopted the charming theory that the Federal Government owes its citizens the right to food, shelter and employment, the enormous bureaus necessary for the administration of those laws have resulted in a large and vital segment of society being governed by administrative regulation, not to say discretion, instead by government by law.

When we ratified the Charter of the United Nations, we hoped to set up an organization that would make for law and order at the international level, but we must realize that we then set in motion forces that bid fair to have a profound effect on our own constitutional law and some of our oldest conceptions of the Bill of Rights by reason of their restatement in the language of the sociologist and the political reformer, instead of the tested language of the lawyer.

When we began the legal recognition of certain rights and benefits as belonging to extra-legal and informal groups, whether economic, racial or occupational, we set the pattern for the government of people by groups, occupations and organizations, instead of by the individual rights of each citizen, a concept directly contrary to the axiom that human liberty is personal and never collective.

Attacks and Distortions

We are witnessing almost daily either attacks on or distortions of the great clauses of the Bill of Rights. We see the right of religious freedom used as a pretext for everything from nudist camps to subversive organizations.

In many cases, I suspect, our solicitude over the abuse of the searches' and seizures' clause is in large part dictated

by the relative popularity of the person whose effects are seized, whose mail is opened, or whose wires are tapped.

We see the protection of the Fifth Amendment distorted by so-called intellectuals to a ridiculous degree. Personally, I spoke out several years ago against witnesses who plead the Fifth Amendment as an excuse for silence, when, as a matter of fact, they have not actually committed any crime and are in no danger of self-incrimination. There is little doubt in my mind that some of these persons have not been members of any subversive organization, but have pleaded the Fifth Amendment purely as a matter of so-called intellectual or academic freedom from inquiry. I notice at last there is serious talk of prosecution for perjury of those witnesses who plead the Fifth Amendment from a mere unwillingness to answer, when, as a matter of fact, they are not in any danger of incriminating themselves.

Tenth Amendment Erosion

We are all of us, of course, witnessing the continuing erosion of the Tenth Amendment and the constant subordination of the rights of the States. That erosion is affecting many issues besides the one which is probably most current in your mind. It cuts across state fiscal policy. It cuts across the field of natural resources with which I have been working in the Interior Department.

For instance, it is now being asserted that by an extension of the Commerce Clause and the Welfare Clause, the Federal Government has the right to completely control all of the streams of the United States.

The whole economy of the Western half of the United States is built upon

State law of prior appropriation of water, that is, that he who first applies water to a beneficial use, acquires a valid claim and a property right in that water, which is just as valuable a right to him as is the land or the power plant to which he has applied it. Yet we are now confronted with many people who assert that the Federal Government has an unqualified right to do as it will with the waters of our streams.

This controversy is deeper than meets the eye. It goes to the very heart of our form of government, because the Federal domination of water is the domination of the economy of a region and carries with it control of the lives and economic destinies of the people of large areas, as well as the control of the productivity of land, the location of industries, and hence of the tide of population.

Government Immunity

The continued expansion and operation by government, whether Federal, State or local, of the hundreds of proprietary enterprises in which Government is now engaged, brings to the front another major problem, the question of government immunity to suit.

Here is a historic doctrine growing out of the myth of the Middle Ages that the King could do no wrong, but I am sure we can agree that in the administration of the hundreds of government proprietary enterprises throughout this nation, the same number of wrongs occur that would occur if these operations were conducted by private citizens.

I am informed that because of the numerous errors, injustices and arbitrary conduct of petty officials administering the broad social service and similar programs of Britain, the Parliament was

compelled to waive the immunity of the Crown to permit British subjects access to their local courts against local officials, to preserve any semblance of justice.

The courts of many of the States have held that in the conduct of a proprietary enterprise the government, whether state or local, is subject to the same legal obligations as would be a citizen engaged in a similar enterprise.

But that is not the law at the Federal level, and it seems to me that the time is approaching when we should give serious consideration to the proposal that the United States waive immunity to suit with reference to a great many matters in which petty bureaucracy touches the daily lives of our citizens, if we are to preserve a practical remedy at a level accessible to the average man.

THESE are some of the things currently on the legal horizon. They are fundamentally a challenge to the lawyer. They will be met only:

1. If we improve the educational and professional qualifications of the bar. That we can only do by continued legal education, by continued activity on the part of the bar associations—national, state and local—and by individual application and thoughtfulness to professional problems.

2. By constantly improving the administration of speedy and impartial justice. Since we are the only medium of presentation of matters to the courts, it is our obligation to see that no American citizen be deprived of his rights, either under the civil or criminal law, without the benefit of counsel. We are either to keep abreast of the widespread demand for prompt and workable machinery of justice, or it will be done for us

by others less well equipped.

3. If we assume a continuing public responsibility to explain in understandable language to our fellow citizens the strength of this great Constitution and legal system of the United States. If the judicial system is the rock upon which all our liberties are founded, then it is the business of this and every other bar association to stand firmly against all proposals to by-pass that system or to substitute any degree of administrative decision that is not subject to adequate judicial review. If this is not done, we shall ultimately have government by administrative discretion instead of government by law.

We need to constantly impress upon people that the real test of liberty and freedom is whether there is a constitutional restraint upon government. We must maintain an independent judiciary that will restrain the unlawful and illegal acts of a government which transgresses constitutional restrictions, just as readily as it will punish individuals who transgress the law. Unless that machinery exists, all of the high-sounding words from all of the parliaments and legislative bodies in the world will not prevent governmental tyranny, for whoever possesses unrestrained power, whether he be dictator or parliament, ultimately becomes a tyrant.

4. If we as individuals maintain the dignity, the competency and the prestige that we like to think has always accompanied our profession. Without that, I am sure you will agree that no public relations program can hope to succeed. The answer to the problem must, therefore, be *my* conduct and *your* conduct. It is personal and not delegable.

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The New York Medical Expert Testimony Project — And Its Results To Date

by Justice Bernard Botein

ONE of the distinguishing features of our system of law has been its reliance upon the adversary system as the most feasible and reliable method of getting at the truth. It is most effective when the triers of the facts, whether judges or jurors, possess sufficient knowledge and experience to come to grips with the subject matter of the litigation and make a sensible resolution of the issues. However, when conflicting testimony is offered as to facts beyond their areas of experience and comprehension, fact-finding all too often degenerates to pure guesswork.

Such a frustration of the fact-finding processes in litigation occurs most frequently in the trial of personal injury cases. Not in the resolution of the issue of liability, which laymen are competent enough to determine, but in resolving conflicting medical testimony, where they are dependent upon experts.

The judge and juror, laymen both, must of necessity resort to guesswork when two opposing physicians give utterly irreconcilable testimony. Dr. A. testifies an injury is black, and he is not visibly shaken on cross-examination. Dr. B. testifies the injury is white, and he likewise emerges unscathed from cross-examination. How shall a layman decide? The more plausible witness

may be the scoundrel and the honest and authoritative expert may be inarticulate and unimpressive.

Courtroom Picture Complicated

The courtroom picture is further complicated by the fact that, in New York City at least, and in many other large cities, both sides rely to a large extent on testifying experts—doctors who examine the plaintiff not for treatment or diagnostic purposes, but only for purposes of litigation. These men appear in court frequently, as opposed to the average physician, who loathes and dreads court appearances; and they have all developed effective courtroom manners. Often they have examined the plaintiff for the first time the night before they testify.

There can be little quarrel generally with the courtroom conduct or good faith of the general practitioner or specialist who actually treated the plaintiff. Allowances must be made for the fact that most civil trials take on the coloration of private fights, that partisanship is infectious and doctors are human in that regard. The worst that can be said of treating physicians is that they will not give their patients the worst of it on a close medical question.

Defendants—usually represented by insurance companies—must of necessity retain a physician who has examined the plaintiff only for the purpose of reporting his findings, and testifying at the trial. The plaintiff is under no such compulsion to produce an expert who never participated in the treatment; but the small group of lawyers who handle

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most of the personal injury cases usually prefer to rely on the testimony of a testifying expert in court. Even when the plaintiff has sustained serious injuries that cannot be minimized and that are the proximate result of the accident, his lawyer is often loath to take chances with the treating physician. Why gamble on whether his conclusions will coincide with the needs of the case, or take a chance on the treating physician's courtroom inexperience and ineptitude?

Battle of Experts

The testifying expert, hired by the lawyer and not the patient, is usually so much more plausible and ingratiating than the treating physician—and so cooperative. Hence the trial degenerates into a battle of opposing experts. Too often, for example, one testifying expert impressively opines that the plaintiff has suffered a linear fracture of the skull, while the other side's expert swears just as impressively that it is nothing more than the suture line which the plaintiff has had since birth. The jurors, with no better norms for finding the truth than personality appraisal of the experts, look in despair to the judge; and he looks back to them just as despairingly. And so, more often than not, the medical testimony in a case is given by two doctors or two sets of doctors, none of whom ever treated the plaintiff.

These battles of experts are degrading spectacles in a courtroom—degrading for the legal profession as well as the medical profession. The disgust and bewilderment they arouse in jurors and everyone touched by the court processes do not breed respect for our courts. Medical advocacy, guided by legal advocacy, becomes a marketable commodi-

ty. The overwhelming majority of honorable practitioners in both professions—and the honorable and dedicated practitioners do constitute an overwhelming majority—are undeservedly stigmatized by a small fringe of unscrupulous or undisciplined or careless lawyers and doctors. This condition is the joint responsibility of the organized groups in both professions.

OUR judges viewed this battle of experts with growing concern. They heard this small band of medical mercenaries testify with accordion-like regularity—stretching or reducing injuries to fit the needs of the party that engaged them. Trials were needlessly prolonged and juries hopelessly confused. Cases of clear or fair liability that should have been settled resisted all efforts at compromise because of the disparate and fiercely disputed medical claims. Whatever the reasons for the wide variance, whenever the medical claims were so sharply divergent, there was no common ground for effective settlement negotiations.

Several considerations indicated the need for improvement in the methods of medical fact-finding in accident litigation. The integrity, dignity and prestige of our court processes and of two great professions were involved, since we were rapidly forfeiting the respect of those who witnessed these medical duels in the courtroom. Another consideration was the effect upon our already crowded court calendars, because of the inability to settle many cases only because the medical claims were so utterly opposed to one another.

Since almost 90% of the civil cases in the city's courts are personal injury ac-

tions, some idea may be gained as to the importance of this branch of litigation in the overall court structure.

Rise to Challenge

The Justices of the Supreme Court in the First Department, which comprises New York and Bronx Counties, rose to the challenge. In 1952 Presiding Justice David W. Peck of the Appellate Division, First Department, initiated conferences among officials of the Association of the Bar of the City of New York, the New York County Lawyers Association, the Academy of Medicine and the New York County Medical Society. On behalf of the Trial Justices he presented, for elaboration and refinement, the basic idea of establishing a panel of neutral, outstanding medical experts, who could be called on by judges to examine plaintiffs, report their findings and if necessary testify, in cases where there was irreconcilable conflict between the doctors representing the contending parties. This idea had originated among the Justices of the Court. Such a plan had never been attempted before. The medical profession, led by Dr. Howard Reid Craig, Director of the Academy of Medicine, responded nobly.

Several considerations animated the judges, doctors and lawyers who collaborated in launching the plan. One was an abiding belief that a trial is not a test of wits nor a game of chance, but a sober, logical search for the truth. A few years ago we redrafted our pretrial disclosure rules in New York and Bronx Counties which resulted in virtually unlimited examinations before trial in most civil cases. This change, calculated to inform each party of his adversaries'

main proof, tended to eliminate most of the factors of surprise which put a premium on opportunism and last-minute chicanery. We envisaged the Medical Panel Plan as another weapon in the arsenal of pre-trial disclosures, specifically designed to substitute truth and light for the battles of experts which had so long bewildered courts and juries.

Second, the judges were concerned with the hampering, disorganizing impact of these practices upon the healthy and expeditious disposition of the courts' business.

Professions Stigmatized

And threading all our conferences was the conviction that two great professions, largely manned by honorable and dedicated practitioners, were being undeservedly stigmatized by an outlaw fringe; and that this condition must be ended.

Following a series of conferences among the professional groups and with various philanthropic organizations, two funds of \$20,000 each were provided by grants from the Alfred P. Sloan Foundation and the Ford Motor Company Fund, to finance as an experimental program for the year 1953 the functioning of a Medical Panel System in the Supreme Court, New York County. To implement this project the Appellate Division, First Department, promulgated the following Special Rule:

1. There is established in the Supreme Court for the County of New York an office to be known as the Medical Report Office, which shall be in charge of a deputy clerk of the Supreme Court.

2. In any personal injury case in which, prior to the trial thereof, a justice shall be of the opinion that an examination of the injured person and a report

thereon by an impartial medical expert would be of material aid to the just determination of the case, he may, after consultation with counsel for the respective parties, order such examination and report, without cost to the parties, through the Medical Report Office of the Supreme Court, New York County. The examination will be made by a member of a panel of examining physicians designated for their particular qualifications by the New York Academy of Medicine and New York County Medical Society. Copies of the report of the examining physician will be made available by the clerk of the Medical Report Office to all parties.

3. If the case proceeds to trial after such examination and report, either party may call the examining physician as a witness or the trial justice may, if he deems it desirable to do so, call the examining physician as a witness for the court, subject to questioning by any party, but without cost to any party.

THE Academy of Medicine and New York County Medical Society jointly and exclusively, without recommendations from lawyers or judges, established panels of leading specialists in sixteen fields of traumatic medicine, such as orthopedics, roentgenology, neurology, neuro-psychiatry, etc. The medical organizations were asked to exclude from the panels any physician who had been employed to any appreciable extent by insurance companies or plaintiffs' counsel in personal injury actions.

The fees of the experts, for examinations, reports and for their infrequent trial appearances, were paid originally upon approval by the justices out of the \$40,000 fund mentioned earlier, and are now paid out of the regular court bud-

get. To preserve neutrality and the appearance of neutrality, the parties to the lawsuit may not pay any part of the expert's fee. The mechanics implementing this rule of court are designed to inconvenience the participants as little as possible. The justice directs the examination, usually after conference with the respective attorneys. He endeavors to allow a time interval of at least two weeks, preferably three, until the resumed conference date, if the case is on the pretrial calendar; or until an adjourned date if the case is on the Day Calendar for trial.

The form as filled in by the judge describes the nature of the medical dispute and indicates the type of specialist to examine the plaintiff. This is entrusted to the attorneys, who proceed to the Medical Report Office. In the attorneys' presence, the Deputy Clerk in charge calls the panel expert whose name next appears on the specialist list by a process of strict rotation. The clerk fixes a date for examination at the panel expert's office which is mutually convenient to doctor, plaintiff and the respective lawyers. He also arranges to forward to the expert, in advance of his examination, copies of the reports of the plaintiff's and defendant's physicians, as well as the hospital records, if any, so that he may be advised of the respective contentions of the parties. The lawyers for both sides are welcome to attend at the examination and answer any questions that may be asked by the panel physician. They may not volunteer gratuitous information.

Thorough Examination

The impartial expert examines the plaintiff as thoroughly and in much the same manner as he would examine a



The first annual Press Award, given by the Louisiana State Bar Association in recognition of "a meretorious contribution to a better understanding of the law," was presented to George Chaplin, Editor, the New Orleans Item, at the Shreveport annual meeting. The award was a handsome silver plaque. Citations of Merit for other outstanding reporting and editorials also were presented by President Clarence L. Yancey to Emile Comar, Reporter of the New Orleans States; Harold Houser, Editor, the Bogalusa News, and Mrs. Louise Lipp, Editor, the Winnsboro Franklin Sun. Shown here with Mr. Yancey are Emile Comar, Mrs. Lipp and Editor Chaplin.

private patient. The plaintiff recounts his ailments and medical history and the expert uses such tests and laboratory procedures as he deems advisable. Of course, no treatment is contemplated—only an opinion embodying diagnosis and prognosis. After the examination, the expert mails at least three copies of his report to the Clerk of the Medical Report Office, who sends one to each attorney and the original to the justice. The expert also sends his bill to the office. It is preferable that the reports be distributed a few days before the adjourned date so that counsel and judge will be prepared to appraise and discuss their contents.

At the resumed conference the case is discussed again in the light of the impartial report. If the impartial expert's report has resolved the major points of controversy, the case may be settled. If not settled, the case is remanded to await trial in normal course. The judge's comments on the resumed conference are noted on his memorandum form for the enlightenment of the judge who will next handle the case in the calendar part or the trial part. The judge also passes upon the bill rendered by the impartial expert, and has the power to disapprove payment of any fees he considers unreasonable. Upon approval, the fee is paid from the Pro-

ject funds.

If the settlement attempts fail and the case goes to trial, the impartial expert may be called to testify either by the judge or by one of the parties. In such event arrangements are made for his appearance informally, without subpoena, through the Medical Report Office—never through an attorney requesting his presence. When the impartial expert takes the stand, he is qualified just like any other expert, except that the auspices under which he was designated to examine the plaintiff are explained. If his appearance was requested by the attorney for one side, the opposing attorney may cross-examine him. Sometimes, particularly in non-jury cases, the parties may stipulate to receive the impartial expert's written report in evidence. Upon the conclusion of the case the impartial expert renders his bill for his court appearance, subject to approval by the trial judge.

Judge May Order Examination

It will be noted that *prior* to trial a justice of this court may, in his discretion, order an examination and report by a panel physician *without consent* of the parties. The rule provides that a judge may not do so during trial, except, of course, with the consent of all parties. However, the experience of the Medical Report Office indicates that even with such consent, it is rarely feasible to direct an examination in the midst of a jury trial, since usually too short a time can be allowed the panel doctor for a comprehensive examination and report.

The names of the doctors on the panels are kept secret, so that there will be no opportunity to maneuver the assignment of any particular doctor. The

judges themselves do not know what doctors constitute the panels.

It was originally contemplated that most of the referrals to the panel would come from the pre-trial parts. Our experience thus far has borne this out. Many factors combine to make the pre-trial climate a favorable one, such as the absence of impending trial pressures, the presence of representatives qualified to discuss settlement and the various pre-trial techniques.

Another source of Medical Panel Referrals is the Calendar Part. If the Calendar Judge believes that an examination by a panel expert will aid in settling the case or in eliminating uncertainty and confusion at the trial, he will refer the case to the Medical Report Office and adjourn it on his calendar until past the date for submission of the impartial expert's report. But very often the calendar judge is too hurried and too harassed to explore adequately the feasibility of a reference to a panel expert. The pre-trial conference is held in an informal, relaxed atmosphere, several months before trial, and is conducive to the kind of unhurried judicial inquiry that will elicit whether a report from an impartial expert will be helpful.

When the project was in its experimental stage references stemmed almost entirely from pre-trial conferences; but now only about half emanate from that source. As the judges have become more familiar with the workings of the panel and more assured of its advantages, they have used it in many more aspects of judicial duties. The Medical Expert Panel is being used more and more on (1) motions for preferences, (2) motions to restore cases to the cal-

endar that have been marked "Off", (3) motions to remove cases from the lower courts to the Supreme Court, (4) compromise orders in infant's actions, (5) after non-jury trials, to assist the court in evaluating the injuries, and in many other situations where the requirements of justice are to be served. The tendency is to employ experts only when there are sharp differences in medical opinion. These cases are generally the hardest to settle and the longest to try. They often have the potentials for presenting the ugliest spectacles in a courtroom.

TO date about 475 cases have been assigned to the Medical Report Office, an average of over a hundred a year. From the outset it was realized that the job ahead was a qualitative, not a quantitative one. For example, the first eighty cases that were referred to the Medical Report Office from the pre-trial parts were combed out of 1,500 cases handled in pre-trial conferences. The importance of these relatively small blocks of cases, however, cannot be over-emphasized—and certainly cannot be measured in mere numbers. They are not just any hundred personal injury cases out of five thousand we disposed of in our court last year.

The drain of this small number of medically irreconcilable cases on the court resources and the trial judge's time and energy is out of all proportion to their limited number. An inordinately large proportion of these cases do not permit of settlement and therefore go to trial. When we realize that less than six per cent of personal injury cases placed on the calendar of the Supreme Court in New York ever go through to completed trial; when we reflect that it

is unlikely more than 200 to 250 personal injury cases are tried to completion in the Supreme Court of the busiest county in New York State in any given year, we can appreciate how solid a road-block these cases represent in the routing of court business.

When the judge has concluded his connection with the case, he is expected to furnish his comments on the form through which the examination was originally ordered. In almost every case that was settled, the judge has given direct and decisive credit for that result to the report of the panel expert. In most cases that have gone to trial the jury's verdict or judge's decision would appear also to have been guided decisively by the panel expert's testimony, but for obvious reasons such a conclusion may not be made with scientific certainty. This may be said: The veteran lawyers on both sides of the fence assume, in settlement negotiations, that the jury will follow the neutral panel specialist, in preference to the partisan hired specialist.

It is impossible to estimate the number of cases that are settled because one of the parties fears to expose his medical claim to the scrutiny of an impartial expert. There are certain factors that will defy precise statistical measurement. For example, how many cases were settled because one side feared that referral to an impartial expert would disclose the falsity of his medical claim; or what is the ratio of cases in which puffing of injuries is discouraged by fear of possible disclosure; or what prophylactic effect does the Medical Panel have on the excesses of that small band of disreputable lawyers and doctors I referred to earlier.

Measureable Results

Other results of the project are susceptible of more precise measurement.

As of last month there were 473 referrals to the Medical Panel. Of these cases, 258 have been settled, 16 transferred to a lower court by consent of the parties, and 29 virtually marked off the calendar. Sixty-five cases have gone to trial. There have been slack periods, in which there were few references to the Panel, and busy periods. Usually the ratio of referrals can be related directly to the intensity of our pre-trial efforts. When, for example, we had two pre-trial parts working in one 6-month period, there were as many as 109 references during that time. And conversely, when we relaxed our pre-trial efforts, there was a marked falling off in references. The ratio of referrals also varies with the personality of the judges sitting in the parts that usually feed business to the Medical Panel. For example, Judge Flynn presided in the calendar part of Bronx County last month. He is whole-heartedly convinced of the efficacy of the Medical Report Office. In this one month, sitting in a court which disposes of only a fraction of the business of New York County, he referred almost 30 cases to the Medical Panel. And very significant, within that period, about two-thirds of these cases have already been settled.

It is very encouraging that after the pilot project had been concluded and the Medical Report Office taken on as a permanent adjunct of the court, there was no falling off of business. On the contrary, the referrals for the year 1957 are running well ahead of the corresponding period last year.

Another encouraging feature is that

more and more attorneys are requesting that the court direct impartial medical examinations. The judges have published announcements inviting such requests. They are sometimes made verbally to the judge sitting at pre-trial, or sometimes take the form of informal letters to the court. It would appear that when lawyers are presenting diametrically opposed medical claims, one of them should feel sure that his claim is the valid one; and he should be eager to bulwark his own partisan medical case with the decisive voice of an outstanding impartial expert. From time to time the Medical Report Office, which as indicated is confined to the Supreme Court, receives requests from judges in other courts, Federal and local, to recommend doctors in cases pending before them.

As might be expected, a major proportion of the referred cases involved injuries with few objective symptoms. About forty per cent of the cases involved claims of postconcussion syndromes, and about seven per cent concerned claims of back injuries. In about twenty-nine per cent of all the references there were fracture claims. The panels utilized most often were neuropsychiatry, orthopedics and roentgenology.

About five per cent of the cases required the services of more than one specialist. Sometimes the judge ordering the reference recognized the need and referred the case to two or more men. Sometimes a panel member would request the services of another specialist. There was some confusion at first, but now when a panel expert seeks the assistance of another expert he clears his request through the Medical Office.

It is difficult to determine with any assurance how often the impartial experts have sustained plaintiff's claims and how often they have rejected or minimized them. For whatever the comparison is worth, the records show that after the impartial examinations, plaintiff's claims are revised downward more frequently than defendants' offers are revised upward. However, in a significant number of cases the medical claims of the plaintiffs have been found to be thoroughly justified and in some cases, even understated. As a result of the impartial experts' reports many cases have been settled at figures much higher than defendants offered before the references, and in a few cases the panel experts discovered traumatic injuries overlooked by the plaintiff's doctors.

Experts Cooperate

The impartial experts have cooperated magnificently. There have been a few complaints from that quarter, usually justified. At the outset, there were certain "bugs" which had to be ironed out in the procedural machinery—mostly arising from an effort to telescope the process of examination and report into too short a time. For example, we now realize that except in the most pressing of circumstances, it is not feasible to order an examination in the midst of trial—particularly a jury trial, which cannot be left suspended for any considerable period of time, awaiting the impartial expert's report.

In a few cases the expert had caused embarrassment and confusion by venturing outside the area of his specialty. In an early referral to a neurologist and an orthopedist, because the plaintiff claimed injuries in both fields of medi-

cine, the neurologist gratuitously gave his opinion on the orthopedic phase of the injuries. Unfortunately, this opinion clashed with that of the member of the Orthopedic Panel. Naturally, this report did not contribute to a resolution of the conflicting claims, as each side found nourishment for its view of the alleged orthopedic injuries in the report of one or another of the impartial experts. We have since developed some skill in the semantics of narrowing the issues within the area of his specialty which are presented to the panel doctor.

In some cases, particularly in the field of neurology, we find that the panel specialists are unable to resolve the medical conflict; they cannot say whether the plaintiff's claims are valid or unfounded. Even then, the reports, if definite enough on the inability to make findings, have an affirmative value. Both sides must give weight to a statement by a leading physician that neither party can establish its contentions with anything like medical certainty. The tendency then is for both sides to pull in their claims from the goal posts toward the fifty-yard line.

THE only reports with which we find major fault are those which are vague, rambling and discursive. They tend to feed and encourage the claims of both sides—and heighten confusion in conference or trial. Happily, there are few of that type. The panel physicians have been very moderate in their charges, with few excessive bills and many for nominal amounts that were patently a fraction of their regular charges.

The hospitals, through their several associations, have been most cooperative in delivering their records to the of-

fice of the impartial experts in advance of the examinations.

We are delighted with the approval that has been voiced by many plaintiffs' and defendants' lawyers. There are of course gripes by the usual hard core of lawyers wedded to the status quo, but they appear to be a small minority.

There has been considerable debate about calling the panel expert as a witness at the trial. Some lawyers and judges seem to feel that the jury will be unduly swayed by the prestige and the court imprimatur of the independent expert. The criticism generally takes the form of complaining that the expert should not testify, but only report for conference purposes. Almost unanimously, the judges have commented favorably on the conclusion of each case. Of course, with such restrictions upon the use of the expert, the value of the panel would diminish radically. Corrupt or careless doctors or lawyers would not have to fear exposure in court. Also, there would be no settlement leverage if the party affected unfavorably by the impartial expert's report did not apprehend that he would have to contend with his testimony should he go to trial.

Most important, the wholesome purpose of enlightening the jury through objective and competent medical testimony would be defeated; and the overwhelming majority of judges in our Department feel that the jury should not be shut off from this source of enlightenment.

There is no doubt that the expert enjoys a special standing in the eyes of the jury, but this is something he earned before he was appointed on the Panel. His professional preeminence and independence were well established.

No special privileges or kudos are given the independent expert when he is called to the stand. He is exposed to full examination and cross-examination just as is any other witness. The jury is instructed that his testimony is not to be accepted or given any particular weight merely by reason of his identification. Certainly a jury charged with the duty of making sense of the conflicting and confounding testimony of paid partisan physicians can be entrusted with evaluating and weighing the testimony of the independent expert.

Experience Summarized

Presiding Justice Peck, speaking at the American Bar Association Convention last August, summarized our experience with the Panel as follows:

"(1) We are certain that it has contributed to a major extent in effecting the settlement of a large number of the toughest cases. This contribution to dispositions and the relief of congestion is of even larger significance than the number or percentage of the cases so settled, because those cases could not be settled by ordinary pre-trial procedures and efforts, and would have taken longer than the usual case to try.

"(2) We are confident that the panel has brought light into the cases which have been tried as well as into the cases which have been settled. That is the definite opinion of the judges who have presided at the trials in which the impartial experts testified. This is a major qualitative contribution to justice, to reaching the right result.

"(3) The panel has had a wholesome prophylactic effect upon the formulation and presentation of medical testimony in court. Although the panel is not used in most cases, the knowledge that it may

be used, that the reports and testimony of the parties' doctors may be checked by a member of the panel, has induced noticeably greater care and responsibility in the selection of experts and in their examinations and reports. The whole climate of expert testimony in court has thus been improved.

"(4) Finally, the doctors who have observed the operations of the panel and studied the cases in which the panel was used have concluded that it will make an important contribution to the improved medical handling of cases, in the diagnosis and treatment of injuries as well as the presentation of medical proof in court."

Thus, it may be fairly said that the project has established that the Medical Expert Plan offers a significant contribution in the two areas that most concerned those who launched it—in the improvement of medical fact-finding in accident cases and in relieving calendar congestion.

ALSO, the Project has paid its own way many times over. The amount spent on fees of experts during two years of experimental operation was \$20,383.35. The expenses under the aegis of the court run no higher. There was some additional expense in the maintenance of the Medical Report Office, the salary of the clerk in charge and other minor expenditures, all of which were absorbed into the regular court budget. A Special Committee of the Association of the Bar of the City of New York, composed of judges, doctors and lawyers, had the pilot project in charge. This Committee rendered a report last year which was published in book form by The Macmillan Company under the title "Impartial Medical Testi-

mony". This book will prove rewarding reading for any one interested in a detailed treatment of the subject. As the Report sums it up:

"The total given for the fees of impartial experts is surprisingly small in view of results achieved. This is true even if we disregard the intangible benefits discussed above and the improvements achieved in the way of better fact-finding in litigated cases, and consider only the number of days of trial time saved by dispositions attributable to the Project. Each day of trial costs the taxpayers, very conservatively, \$750. If we assume that the cases settled would otherwise have had to be tried and, again very conservatively, that each would have taken three trial days, we see that the Project saved substantially more than its costs. Just on the basis of the settlements before trial effected as of the date of this report, and without speculating on the number of settlements that will be made in the 91 pending cases awaiting trial, it is evident that, estimating a cost of \$2250 for each trial, savings will be effectuated of more than 10 times the total amount spent for the fees of impartial experts."

All those concerned with this pilot project feel it has proven the worth of its basic idea. The justices of the Appellate Division of the Supreme Court have continued on a permanent basis the procedures developed by the Project. The fees of the panel experts are now part of the court's regular budget. The medical societies have pledged continued cooperation.

As the Committee Report concludes:

"The utility of the Project as a precedent is not limited to metropolitan centers. While delay and congestion are

usually, although not always, confined to big cities, the problem of securing better medical testimony is a universal one. Since the Project helps to solve that problem as well as the problem of congestion, it can be a useful idea for the courts of even a small community. Needed only are:

1. Financing by public or other neutral funds.
2. A system of pre-trial conferences or some equivalent.
3. Cooperation of medical groups.

"Designating a panel of experts as was done in New York is not an absolute essential and might not be practicable in a small community. The only thing essential is that proper men be picked by a system which ensures both absolute impartiality and high competency.

"However, there is no reason why the basic idea need be limited to personal injury cases in the narrow sense, as in New York at present. Actions on insurance contracts, malpractice cases, probate proceedings, and other types of litigation in which the physical or mental condition of any party may be in issue, may be fertile fields for experimentation in furnishing truly impartial medical skill."

A Special Committee of the Section of Judicial Administration of the American Bar Association, in reporting on the subject of impartial medical testimony, recommended the establishment of impartial medical panels in centers of population having a volume of personal injury litigation. It concluded that the use of impartial medical experts in such cases is sound both in principle and practice; and that the availability and use of such a panel contributes to a marked degree to the resolution of such controversies and to the sound settlement of cases.

Plans Studied

THE committee named by the Board of Governors to investigate the several proposed plans for impartial medical testimony in personal injury cases has held two meetings with a committee representing the Louisiana State Medical Society and the Orleans Parish Medical Society. Selection of the investigating committee followed adoption of a Convention Assembly resolution memorializing the board to take such action.

Members of the committee are: Edward L. Gladney, Bastrop, Chairman; Richard T. McBride, Alexander E. Rainold and J. Skelly Wright, New Orleans; Robert S. Ellis, Jr., Amite; N. S. Hoffpauir, Estherwood; Jesse S. Heard, West Monroe; Henry F. Turner, Shreveport; John T. Hood, Jr., Lake Charles, and Coleman Lindsey, Baton Rouge. Dr. H. N. Sam Houston, New Orleans, is chairman of the medical group.

The purpose of the conferences is to study the various plans now in use, including the New York program, and to evaluate their worth from the point of view of "what is best for Louisiana." When the present study is completed, the committee will present its recommendations to the Board of Governors for transmittal to the bar association.

Editor's Note: Reader's views on this article and other features appearing in the Bar Journal are earnestly sought, and will be published in future issues. Your suggestions for the Journal's improvement also will be welcomed. Please keep such communications as concise as possible.

Please address such letters to Louisiana Bar Journal Editor, 805 International Building, New Orleans.

Annual Report And Address of The Past President

By Clarence L. Yancey

THIS has been a busy year for our association and we have found it necessary or advisable to go to the members on several occasions for direction in the conduct of the association's affairs.

As the result of a poll of membership on whether the 1957 convention should be held in Louisiana, a majority of those casting ballots voted in favor of returning to the State for this convention. Accordingly, the Board of Governors accepted the invitation of the Shreveport Bar Association to hold our convention there.

There next arose the matter of the position which the association should take in reference to the proposed constitutional convention. The proposition was considered by the Board of Governors and the question was referred to the members. A substantial majority voted that the proposed convention should not be endorsed.

House of Delegates Created

As the result of the study of a special committee appointed to consider giving broader representation in the affairs of the state bar organization, it was recommended to the Board of Governors that a House of Delegates be created. This involved amending the charter of the association and the matter was referred to the membership which amended the charter, creating a House of Delegates to consist of representatives from the several judicial districts of the State.

This has resulted in the creation of a body consisting of 72 delegates which will direct the affairs of our association

subject to certain powers vested in the officers and in the Board of Governors. It was felt that the House of Delegates would present a better forum for the discussion of matters affecting the bench and bar than the business session of the annual convention, which in recent years has been quite poorly attended. The first official meeting of the House was held during the present convention.

I consider that the most important thing accomplished by the administration now retiring was the increase in dues of active members of our association from \$10.00 to \$25.00 per year for those who have practiced five years or longer. The association has been struggling along trying to do a job for its members with inadequate funds and each of your presidents over the past several years has realized, in these inflated times, the need for more revenues.

The last Biloxi convention endorsed the proposed increase and, as a result of the balloting by the members, the matter was approved and has been put into effect. Twice previously that had been voted upon but failed of adoption by narrow margins. This will increase the annual income of the association from approximately \$33,000.00 to approximately \$74,000.00. The added funds will be used largely in expanding the public relations program and the work on Ethics and Grievances and Unauthorized Practice of Law.

I am glad to report that a public relations firm has been engaged by the association and members of that firm have already begun work and, in fact,

are handling the publicity for this convention. I think that we may expect to see in the months and years ahead more and better news stories, articles and comments concerning bar activities, the development of the law and the administration of justice in Louisiana.

In connection with the work of the Public Information Committee, it was decided to present awards by the association to the person or persons in newspaper, radio and television fields who contributed most during the year to the understanding and appreciation of the administration of justice in Louisiana. Accordingly, the first awards will be presented at the Saturday session.

"Lawyers Week"

Another public relations innovation was "Lawyers Week" which was proclaimed by Governor Long as this current week, focusing attention on the work of the bench and bar of the State.

At the invitation of the Attorney General of the United States, I attended a meeting in Washington last spring which studied the problem of congestion in the federal courts. Practically all the major bar associations sent representatives to this meeting. There has been a continuing study of this problem, in which our association is much interested in view of the congested condition of dockets of both federal district courts in our State. The Eastern District of Louisiana has the largest backlog of cases of any district in the United States and in the Western District it takes approximately eighteen months from date of filing to bring a case to trial. At this time it appears likely that two new federal judges for Louisiana will be authorized by the Congress.

To Move Offices

Our association's committee on the new Supreme Court Building has functioned actively in cooperating with the Supreme Court, the architects and other planners in making this new building a reality. It is expected that the building will be completed and occupied before the end of the year. Quarters in this new building at New Orleans have been set aside for use by our association headquarters.

Louisianians may well be proud of the fact that we have a judicial administrator to assist the Supreme Court and especially the Chief Justice in the general supervision of the flow of work through our courts. Although relatively new, the office of the administrator has produced excellent results. On account of an increasing work load in the Supreme Court, that court and the Judicial Council agreed that a study should be undertaken by a committee composed of representatives of the several interested groups in order to alleviate the Supreme Court docket. This naturally means increasing the work of the several Courts of Appeal.

This special committee has been at work for several months and the judicial administrator has assembled valuable materials which analyze the work of our highest state court. It is hoped that the committee may have a concrete proposal to present to the legislature in 1958. The bar association is formulating a special committee to assist in this work and to consider other facets of our state court organization.

THESE are times when lawyers are taking a good look at their earnings in relation to the income of other

groups in our society. General surveys of the economics of the profession have been made on a nationwide basis, and some of our neighboring states have completed or undertaken such a survey which would shed light on local conditions. During the year a special committee to consider the feasibility of making a survey of the economics of the profession in Louisiana was appointed. This committee has met and has decided that such a survey should be undertaken. It is believed that this committee will proceed with the work on instituting an economics survey in Louisiana. Should this be undertaken, it is hoped that each member of the bar who is contacted will give to the committee the full information requested. Only in this way can beneficial results be obtained.

It is not possible, in this brief time, to single out for comment the work of the several committees and sections of our association. I have found, as I knew I would, that our members are anxious to participate in the work of the organized bar. When called upon for a task there has been an unfailing favorable response. I take this occasion to express my deep gratitude to the Board of Governors, my fellow officers and the others who have made the past year so pleasant and gratifying. I cannot but feel that we are on the threshold of a new era in bar activities which, I am confident, will result in great benefits, not only to the legal profession but to the public as well.

Law Institute Praised

On behalf of the bar association I wish to take this occasion to acknowledge publicly the great work which has

been done and is being done by the Louisiana State Law Institute, our sister organization, with whom we have had the privilege to cooperate since its inception eighteen years ago. Surely, every practitioner has benefited greatly from the work of the institute on revising the Statutory Law of the state. The project of a constitution has received acclaim from many sources in this country and Canada. The work of the institute is becoming favorably known in the countries of Latin America and Europe. The principal current project is the revision of the Code of Practice, and we shall have an opportunity to hear discussions on this important work during this session of the institute.

The institute is being used as a model by other states in our area who applaud the splendid results achieved here. The work of the Louisiana State Law Institute approaches the monumental significance of the very origin of our Civil Code of Practice. When since the founding of our state have we made such advances in the codification of our law?

The bar association however, must remain cognizant that it has not abandoned to our friends of the Law Institute the entire field of law reform. The major work of the institute is carved out for it by the Legislature, and indeed, the bar association itself has, on occasion, requested the institute to undertake given projects. But the association, as the representative of the lawyers themselves, must be responsive to the needs for statutory change in countless areas as those needs make themselves apparent to us.

Louisiana prides itself on being the only civil law state of the forty-eight. Hence, it seems only logical that we

should take the lead in the development and exposition of the civil law and the use of its concepts in modern society. It is also incumbent upon us not to be so blinded by our pride in the civil law that we cannot recognize and capture from the common law features from that system which will be useful and profitable to us. We have proven our versatility in this respect by breaking with the ancient civil tradition of abhorrence of trusts and have set up a trust arrangement within our law. This is merely illustrative, and further work to exploit this and other features of the common law needs to be done and no doubt will receive our attention.

WE now turn to discussions concerning the right or wrong of criticizing the courts of our land and particularly the Supreme Court of the United States. It seems to me that since this court is responsible only to the people, it is incumbent upon the people to express their pleasure or displeasure at the holdings of this court. What better segment of the public than the lawyers themselves is in a position to judge the work of that court? In my view, if lawyers do not assume the role of guardians of the public against the possibility of tyranny of the judiciary, then there might well be no effective check on this powerful arm of government.

Informed criticism from the bar is, in my judgment, particularly desirable in these latter days when the court indulges itself in social philosophy rather than the rule of law. Of more than passing interest to the bar is the type of cases which the court chooses to review. Of the latest reported cases thirty

per cent deal with labor matters, twenty-nine per cent with the rights of individual criminals or persons accused of crime, seven per cent with the rights of aliens and a goodly number of cases involved communists or persons tainted with that alien belief. One may wonder if the highest court in the greatest nation on earth is concerning itself too much with the adjustment of what it conceives to be social misalignment instead of questions dealing with more crucial facets of our destiny.

These observations serve to point up the logical end result of too much of the current political and social philosophy. In my view, we need to cater more to the superior type of person than to the indigents of our society. It is rather alarming to see major items of the federal and state budgets devoted to the care and perpetuation of the inferior members of our society. Refreshing indeed is the emphasis now being placed on special training for children in our schools. Only this type of philosophy can maintain America in the lead in these days when our leadership is being challenged abroad.

Many opportunities beckon to us at this period in our history. The focal point of our civilization has been moving steadily away from the Eastern Seaboard in the direction of the great West and Southwestern areas. Here in Louisiana, we are making mighty strides away from the concept of our state being just another economic colony of the eastern centers of capital. With this great industrial and economic development, our legal systems must keep pace. It is up to us, the lawyers of Louisiana, to meet this challenge with all the ingenuity and vigor at our command.

Appellate Jurisdiction of the Supreme Court And Courts of Appeal of Louisiana

*by John H. Tucker, Jr., Chairman
Louisiana State Law Institute*

AT a meeting of the Judicial Council of the Supreme Court in joint session with the Louisiana District Judges Association last October 1-2, the problem of the excessive work load of the Supreme Court was fully discussed. A resolution was unanimously passed authorizing the Chief Justice to appoint a committee from the Supreme Court, the Courts of Appeal, the Judicial Council, the Law Institute and the Louisiana Bar Association to study and make recommendations respecting the appellate jurisdictions of the Supreme Court and Courts of Appeal, and related changes in the Judiciary Article of the Constitution. The committee was directed to seek the active cooperation of the law institute and of the bar association.

The committee consists of: Associate Justices Ponder and McCaleb of the Supreme Court; Judges Janvier, Ellis and Hardy, who preside respectively in the Orleans and 1st and 2nd Courts of Appeal; Judge Hood, your Section Chairman for the District Judges Association; Professor McMahon from the Judicial Council; President Yancey of the bar association, and myself from the law institute. Monte Lemann, as Chairman of the Advisory Committee from the bar association, sits with our committee.

As chairman of this committee it is incumbent upon me to acquaint the bar with the work contemplated by this committee, and through you seek the ac-

tive cooperation of the bar in an attempt to find a workable solution to the vital problems upon which depends the proper functioning of our Appellate Courts.

It should be said that at this stage the committee is making those statistical studies upon which intelligent planning must be based. No important definitive decisions have yet been made, but the committee felt that you should be acquainted with the conditions which caused the Judicial Council to initiate this work, and the nature of the problems involved in effecting the changes which must be made to correct them.

Article Needs Rewriting

The entire Judiciary Article of the Constitution needs rewriting in order to have a coordinated, correlated judicial structure which reflects modern conditions. The committee felt, however, that such comprehensive action is possible only in a constitutional convention, and that where action must be taken by constitutional amendment relief must be sought piecemeal—but within the scope of the part to be amended, the action taken should be complete.

At the outset it may be well to contemplate the conception of appellate responsibility, concisely expressed by Judge John J. Parker of the United States Court of Appeal, 4th Circuit. He said:

"The function of the reviewing Court is: (1) to see that justice is done according to the law in the cases that are brought before it, (2) to see that justice is administered uniformly throughout the state, and (3) to give authoritative

expression to the developing body of the law."

This is a heavy responsibility, indeed, for a court of last resort.

WHENEVER the Appellate Court is overburdened with cases the inevitable result is either increased delay or decreased quality of output. Judges, after all, are not super-human, and there has not yet been devised any high speed cybernetical system of deciding cases on appeal. In any event, delayed quality is much to be preferred to prompt inferiority. Chief Justice Vanderbilt of the Supreme Court of New Jersey, who has written much and done more to improve the administration of justice, thinks that every appellate judge should read the briefs in advance of oral argument, in order to give definition to and expedite the argument. He also decries the "One-Judge" decisions which an excessive work load has a tendency to create. He said:

" . . . 'One-Man' decisions, written by one judge and concurred in by his colleagues without their sharing the study of the records and briefs and other processes of decision, including court conferences, are frequently symptomatic of an overcrowded calendar with a consequent lack of time for all to participate in rendering each decision . . . "

If an Appellate Court is to be insulated against this tendency which results from an excessive case load, the judges must have time at their disposal beyond that which is required to write opinions in the cases assigned to them.

I do not mean to say that our Supreme Court has been driven to these expedencies, but I quote from this distinguished authority by way of a caveat,

which should be kept in mind when you hear the plight of our Supreme Court.

Last year the Supreme Court of Louisiana disposed of 299 cases with written opinions, an average of better than 42 per judge—295 cases were docketed (excluding writs). At the same time the Court considered 257 out of the 260 applications for writs filed. It disposed of 157 applications for rehearing, 16 of them with written opinions.

The grand total is 713 matters disposed of during the 1955-1956 term.

Other State Systems

By comparison, the California Supreme Court hands down about 25 to 30 majority opinions for each of its seven justices. This Court is largely a "writ-court" passing on about 500 applications a year and granting about one-fourth of them.

In Texas, where the Supreme Court of seven justices is strictly a "writ-court", the Court decides about 100 cases a year with written opinions.

Our Supreme Court works on a five week cycle, for 40 weeks a year. It hears four cases argued per day for five days a week for two weeks; the next two weeks are spent writing opinions. The fifth week is spent in considering one another's opinions, with Friday of that week for conference. The following Monday is opinion day. In this same period, of course, it is necessary to pass upon applications for writs and for rehearings.

By comparison, in New Jersey the Supreme Court hears arguments on Monday in five or six appeals. Then it adjourns until Thursday, so that the briefs may be studied in the light of oral arguments. On Thursday after each

justice has expressed his views at length, a tentative vote is taken and the case is then assigned for the writing of an opinion.

THERE are other statistics which reflect the excessive work load of our Supreme Court. Consider the number of District Courts and District Judges in Louisiana from which cases on appeal are generated. In 1921 when the Constitution was adopted, there were 25 District Courts outside of New Orleans with 29 judges, with the Orleans Civil District with five judges and its Criminal District Court with five judges, a total of 27 courts and 39 judges. Today there are 31 District Courts and 52 judges and the Orleans Civil and Criminal District Courts have eight judges each—a total of 33 courts and 68 judges—an average of over nine District Judges per Supreme Court Justice, whereas in 1921 there were only something more than five District Judges for each Supreme Court Justice.

Under our present Constitution (adopted in 1921) there have been more than 82 volumes of Louisiana Reports. Interestingly, there were only 103 volumes from 1st Martin old series (earliest reported case 1809) through the 52 Annual in 1900. Since then there have been 126 volumes of the Louisiana Reports.

The greatly increased volume of these reported decisions is not only symptomatic of the greatly increased case load of the Court, but it reflects the greatly increased work-load on the Court to dispose of that case-load. The Supreme Court Justice in 1900 had behind him 100 volumes of the prior decisions of his Court, whereas today's Justice has more than 230 volumes with which he must

consult in the preparation of his opinion.

New Fields of Law

The types of cases before the courts reflect the great complexities which confront the modern Louisiana judge. Since the last Louisiana Constitution, new fields of law have been created which have had their impact on the general Louisiana law of which the Supreme Court is guardian—labor law, tax law, workmen's compensation and social legislation. All have come into existence either to generate litigation or so affect personal and business relationships that ordinary cases take on added complexities.

The expansion of our ports, the shift of populations, the increased importance of movable property as a source of wealth, have brought new types of cases to the court. The development of the oil and gas industry as the most important business in the state created a major problem for the court, for the basic transactions upon which the oil and gas industry is conducted are not precisely defined in the Civil Code, and it was necessary for the court to apply the provisions of the code to them by analogy, and to extend and develop that analogy into the body of our mineral law, which can only be found in the decisions of the Court.

A sound jurisprudence and the proper administration of justice clearly require that the Supreme Court of Louisiana be given adequate time in which to perform its tasks. The case for relief is complete and convincing.

THE present appellate jurisdiction of the Supreme Court is illogical and not now warranted by the facts.

As a basis for your thinking about it, here are the numbers and percentages for the type of cases decided by the Supreme Court for the period 1951-1956:

Jurisdictional amount		
in dispute	558	56%
Criminal cases	175	18%
Dismissals and transfers.....	95	10%
Divorce and separation		
cases	75	8%
Validity of statutes and		
ordinances	40	4%
Appeals from Civil Service		
Commission	16	2%
Appeals from Juvenile		
Court	12	1%
Adoption Matters	5	
Appeals from Public Serv-		
ice Commission.....	4	
Homestead exemption case	1	
	981	100%

There have been developed many different ways for relieving the pressure on appellate courts. Among these are

(1) Enlarging the regular membership on the Court, (2) Use of Court commissioners, or retired judges or trial judges to augment the Court, (3) Divisional organization of the Court.

The committee has come to no definitive conclusions, but I think it fair to say that the committee generally favors a system which will shift most of the present appellate jurisdiction to the Courts of Appeals, from which the Supreme Court can entertain jurisdiction by the case selection method, with some types of appeals going direct to the Supreme Court. This seems to be the plan most generally followed by those states which have intermediate appellate courts.

Problems Need Study

Here, of course, there will be problems which must have careful study. They are:

(1) In what types of cases will there be appeals direct to the Supreme Court? Example: Should all criminal appeals be taken to the Courts of Appeals, or should some, such as capital cases, go direct to the Supreme Court?

(2) In cases where review by the Supreme Court is discretionary, should there be some broad outlines to indicate the types of cases in which review should be granted? (see Rule 19(1) Revised Rules of the Supreme Court of the United States).

(3) Should there be provision for certification of cases from the lower courts?

The transfer of jurisdiction from the Supreme Court to the Courts of Appeal creates problems for the Courts of Appeal quite different from those for the Supreme Court. With the Courts of Appeal, it is a problem of expansion of the courts so that they can attend to their enlarged case-loads.

Several plans have been proposed: (1) Increase the personnel of the present courts; (2) Create temporary courts until the initial caseload has levelled off (3) Create a new court.

The committee has not yet tackled this problem, so that the observations I am about to make are strictly my own views, which in a large measure, are dictated by the following considerations:

The greatest development both in industry and population in Louisiana is taking place south of Alexandria. The development of the ports of Lake Charles and Baton Rouge, the expansion of the oil and gas industry along the Gulf Coast, and the location of great in-

dustries along the Mississippi south of Baton Rouge are developments which under normal circumstances would soon make it imperative to increase the appellate potential of the district now covered by the 1st Circuit Court of Appeals and the Orleans Court of Appeals.

For example between 1920 and 1950, the 1st Circuit increased in population 52%, the 2nd Circuit 39%, and Orleans Court of Appeals district 60%. It is believed that the statistics since 1950 would show an even greater disparity. This is reflected in the number of appeals in each of the circuits.

Origin	Number of Appeals		% of Total Appeals	
	1948	1955	'48/49	'55
1st Circuit	121	223	33.43	37.17
2nd Circuit	152	182	41.98	30.33
Orleans	89	195	24.59	32.50

In geographical extent, the 1st Circuit with Lake Charles, Opelousas, Lafayette, Baton Rouge, and Bogalusa, under conditions existing today covers entirely too much territory. When the tremendous growth that is taking place is considered, it seems to me to be quite illogical and unwarranted to double the number of judges on that court and not create a new court.

The Second Circuit covers all of North Louisiana, and it well can do so, but it seems that Rapides, with Alexandria and Avoyelles Parishes could well be taken away and added to a new circuit to be carved out of the First Circuit so as to include Lafayette and Lake Charles and Opelousas, leaving the remainder of the First Circuit to constitute that circuit. Judge Hardy made a very plausible presentation of this plan to his fellow Circuit Court of Appeal judges earlier in the year.

Will Increase Stature

In any event, the stature of these courts of appeals will be increased, and completely adequate measures should be taken to give them the necessary personnel and facilities to conduct the business of the court efficiently and with all dignity. Each judge should have a law clerk and secretary. Serious consideration should be given to the proposal to give each court a permanent domicile.

The committee expects to develop its studies and make its recommendations so that a plan may be adopted by the Judicial Council and presented to the

next regular session of the Legislature in 1958. In the meantime, it is hoped that a plan can be devised to keep you in the local or district bar associations fully advised as the plan is developed and finally adopted, for this must be a work of cooperation between the bench and bar. Your committee chairman meets with us and we hope our labors together will result in good for the State of Louisiana.

This is a large problem and its solution is of vital importance to the proper administration of justice in Louisiana. What we are all striving for is crystallized in the very striking judicial oath used on the Isle of Man — "You swear to do justice between cause and cause as equally as the backbone of the herring doth lie midmost of the fish." Whether we stand at the bar or sit on the bench, there, in a few words, is our ultimate objective.

In this work together I hope we will not be actuated by the fear that permeates our present Constitution. Let us try to approach this task with faith in our institutions and use but one test to determine our course of action. Let that test be "Is it best for Louisiana?"

Judge Robert J. Traynor, of the Supreme Court of California, closed a paper on the The Work of State Appellate Courts, with these words:

"Something is lost of the judicial process if judges fail to exert full responsibility for their decisions. Such responsibility imposes its own discipline. As they analyze issues that have been dis-

puted every inch of the way, they learn to guard against premature judgment. Entrusted with decisions, bound to hurt one litigant or the other, they come to understand the Court's responsibility in terms not of power, but of obligation. The danger is not that they will exceed their power, but that they will fall short of their obligation."

As lawyers, it is our responsibility to see that they are not denied full opportunity to discharge that obligation in complete freedom and without the quantitative compulsion of an excessive caseload which today is bound to obstruct the proper administration of justice.

Career Opportunity in JAG Corps

It is news when the nation's—and probably the world's—largest law firm announces that it has career opportunities available under circumstances assuring a good income and stimulating cases of the first magnitude to be handled throughout the world, from Honolulu to Paris, from Fairbanks to Rio de Janeiro, and from New York to Istanbul. Travel expenses are paid for the family too, as well as reasonable early retirement.

This is not a flight of fancy, but a succinct and reasonably accurate description of the career opportunities in the Judge Advocate General's Corps.

As to the types of law, the judge advocate, even aside from advising as to the private and personal legal problems of the members of the service, works in virtually every known field of law, including but not limited to real property, personal property, patents, trade-marks and copyrights, negligence, corporations,

insurance, banking, criminal law, taxes, international law, and contracts. For many millions of dollars to be involved in non-criminal cases is commonplace. A vast amount of trial work is available in cases before courts-martial, Boards of Review, the United States Court of Military Appeals, and Federal and State regulatory bodies.

Many fine young lawyers are dedicating their lives and their talents to the Judge Advocate General's Corps of the Regular Army. There also is a continuing need for clearly qualified applicants for appointment to the Judge Advocate General's Corps Reserve.

Further information on appointments in the Judge Advocate General's Corps of the Regular Army or in the Judge Advocate General's Corps Reserve is readily available upon request directed to the Military Personnel Division, Office of the Judge Advocate General, Department of the Army, Washington, D. C.



HEARD AROUND THE CIRCUITS

Legal Volumes to French Library

The significant role played by French law in the establishment and development of Louisiana was recalled in a ceremony at the French Comparative Law Center in Paris, on August 2, in which members of the Louisiana State Bar Association and their French colleagues participated.

Led by the Chief Justice of the State Supreme Court, *John B. Fournet*, the delegation of 30 lawyers and their wives presented to the law center a set of annotated copies of the Louisiana Revised Statutes, the Civil Code and State Constitution in the name of the state bar association and the law institute. The contribution was made possible through the courtesy of the West Publishing Company.

Clarence L. Yancey, Shreveport, immediate past president of the association, and *LéDoux Provosty*, Alexandria, vice-president of the law institute, made the presentation of the 50 volumes, which will be used by French lawyers and students of the Sorbonne. They were accepted by *Jacques Bernard Herzog*, secretary general of the Comparative Law Center, and *Henri Pujet*, a member of the governmental advisory body on legal matters.

The principal address was made by Judge Fournet, who recalled that "although France did not succeed in keeping Louisiana, the French ideas, mainly in the legal field, have triumphed."

Arrangements for the historic session

were made by *Merrill Cody*, public affairs officer of the U. S. Information Service in Paris, in cooperation with the French Foreign Ministry.

New Federal Court Division Urged

A proposal to establish a new division of federal court for the western district to sit at Lafayette is currently being considered by a U. S. Senate judiciary subcommittee. Creation of the Lafayette district, which would be composed of the parishes of St. Mary, Iberia, Vermilion, St. Martin, Lafayette and Acadia, was sponsored by *Rep. Edwin Willis*, of St. Martinville.

Endorsements of the proposal by the state's federal judges and members of the bar in the area concerned were read into the record by Congressman Willis.

Strong opposition to the creation of the new division has been voiced by the members of the St. Landry Bar Association, which pointed out that, should the proposal be accepted, only St. Landry and Evangeline parishes would remain in the Opelousas division. As an alternative, the parish association approved a resolution calling for the creation of a new division of federal court composing the parishes of Iberia, St. Mary, LaFourche, Terrebonne and Assumption, which now are part of the New Orleans division, with the division seat located in a city in or near the center of that area.

A five-member committee, appointed by *Harry Garland*, president of the St. Landry Bar Association, will work to

keep the present Opelousas division intact. Its members are *Edward Dubuisson*, chairman; *Seth Lewis, Sr.*, vice-chairman; *L. Austin Fontenot, Sr.*, District Judge *Lessley Gardiner*, all of Opelousas, and *Jacques Pucheu*, of Eunice.

The pending federal legislation originally provided for the creation of two additional federal judgeships for Louisiana. This feature of the bill has been widely endorsed.

Junior Bar Unit Organized

The Junior Bar committee of the New Orleans Bar Association was formally organized late in July, with *Frank J. Stich, Jr.*, installed as chairman. Other officers are *David J. Conroy*, vice-chairman, and *Val A. Schaff III*, secretary.

The new organization, composed of 75 members, also elected six of the group to serve on the board: *John G. Weinmann*, *Charles G. Merritt*, *Ralph D. Dwyer, Jr.*, *James Manning*, *Thomas C. Wicker* and *Thomas McBride III*.

The aim of the committee is to stimulate interest and activities in professional matters among the members, according to Chairman Stich.

Named Assistant to D. A.

Cornelius J. Bolin, Jr., 32-year-old Shreveport attorney, recently was named third assistant to *District Attorney Edwin L. Blewer*. He succeeds *John A. Dixon*, who resigned to enter the race for the unexpired term of the late Caddo District Judge *James U. Galloway*.

Bolin, who received his law degree from L. S. U. in 1951, was in private practice with his father, *C. J. Bolin*, until last year when his father retired. Since then he has been in partnership with *James T. Adams*. He will continue his private practice.

Joins Law Firm

Charles A. Marvin, Minden, recently became associated with the law firm of Campbell and Campbell, with offices in the First National Bank Building, Minden. He is a graduate of Louisiana Tech and The L. S. U. Law School, Class of '57. Marvin was admitted to the bar in June.

Elected to Homestead Board

Claude W. Duke, New Orleans, recently was elected a member of the board of directors and attorney of the Oak Homestead Association. Duke was a member of the Louisiana House of Representatives, 1932-36, and of the Senate, '36-40. He is a former vice-president of the New Orleans Bar Association, and a member of its executive committee.

Heads Jefferson Red Cross

Bernhardt C. Heebe, of Metairie, was elected chairman of the Jefferson Parish chapter of the American Red Cross at the recent annual meeting held in the Gretna chapter house. Heebe has been a member of the board of directors since 1953, serving as legal counsel. He also was chairman of the budget and finance committee and vice-president.

Attend J. A. G. School

Legal reserve officers from Louisiana attached to the Judge Advocate General's staff of the Fourth Army Area underwent a two-week period of active duty at Camp Leroy Johnson, July 14-28. Lt. Col. *James I. McCain*, of New Orleans, directed the summer session, which was attended by officers from the five-state area of Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Serving with Col. McCain as instructors were Lt. Col. *Richard C. Cadwal-*

lader and *Capt. John V. Parker*, of Baton, Rouge, and *Cpts. Ralph L. Kaskell, Jr.* and *Charles E. Lugenbuhl*, of New Orleans. The school was held in New Orleans for the first time. Previous summer sessions were held at San Antonio, headquarters of the Fourth Army.

The two-week session covered instructional work in the latest cases and developments in military law and international law. Especial attention was paid to the "status of forces agreement" involved in the famed case of *GI William S. Girard*, then being argued before the U. S. Supreme Court.

The following officers, in addition to the instructors, attended:

New Orleans—*Col. E. R. Nimmich*; *Lt. Cols. Dan E. Becnel, Morris G. Becnel, William B. Lott* and *Chester A. Peyronnin*; *Majs. John J. Metternich* and *Otis J. Dillon*; *Cpts. Thomas Meunier, Peter Compagno, Harold Lamy, Rudolph R. Shoemann, Wilder Kuhn, William C. Duvalle* and *W. G. Boriack*; *Lieuts. Milton E. Brener, Patrick M. Schott, Jack Benjamin, Ben D. Bridgeman, Robert B. Deane, Gerald P. Fedoroff, John R. Flowers, Jr., Charles A. Kronlage, Jr., Willis J. McAnnelly, Jr., John L. McDavid, Donald G. Meyer, Cecil P. Nielsen, Rene A. Pastorek, John L. Peytavin, Roger B. West* and *Jasper K. Wright, Jr.*

Baton Rouge—*Lt. Col. Hopkins P. Breazeale*; *Major Frederick A. Blanche, Jr.*; *Cpts. Wilson Davis* and *John M. Taylor*.

Fall Conference Committee

William E. Skye recently was named general chairman of the Seventh Louisiana Conference of Local Bar Associations, to be held in Alexandria Novem-

ber 21, 22 and 23 by *Isaac Wahlder*, president of the Rapides Parish Bar Association, host to the annual meeting.

Committee sub-chairman are: *D. Cameron Murchison*, Arrangements; *Alfred A. Mansour*, Registration; *George J. Ginsberg*, Attendance; *D. Grove Stafford, Jr.*, Entertainment; *Donald Garrett*, Hotel Reservations, and *Jules L. Davidson, Jr.*, Publicity. All are residents of Alexandria.

Heads ABA Section

Ben R. Miller, Baton Rouge, was elected Chairman of the Section on Bar Activities at the recent New York meeting of the American Bar Association. Last year, Mr. Miller served as a member of ABA's Committee on the Federal Judiciary. Another Louisianan, *LeDoux R. Provosty*, Alexandria, was Chairman of the Resolutions Committee for the 1957 annual meeting.

New LSU Law Dean

Milton M. Harrison, for the past seven years assistant to the Louisiana State University president, was appointed dean of the LSU School of Law early this month. He succeeds *Dr. Paul M. Hebert*, who resigned the post to enter private practice. *Henry G. McMahon*, law professor, served as acting dean in the interim. Prior to his duties as presidential assistant, Dean Harrison was a member of the LSU law school faculty and assistant to the dean.

Editor's Note: Contributions to this column, and to other editorial features of the Journal, are requested from all members of the bar. They should be addressed to the Editor, Louisiana Bar Journal, 805 International Building, New Orleans.

Justice Fournet, President Davidson Welcome New Lawyers to Louisiana Bar

YOUNG lawyers from all parts of the state were admitted to the practice of law at impressive ceremonies held in the court room of the Louisiana State Supreme Court, New Orleans, on June 12.

The ceremonies were held under the auspices of the Committee on Bar Admissions of the State Bar Association. One hundred graduates of Tulane, Loyola, Louisiana State and Southern universities were administered the oath of admission en masse.

The new lawyers were welcomed by Chief Justice John B. Fournet and J. J. Davidson, president of the Louisiana State Bar Association. The entire supreme court sat en banc for the ceremonies.

In five additional proceedings held in the past five months, 26 other candidates for admission were received into the bar.

The list of successful applicants follows:

Through examination by Committee on Bar Admissions,

April 4:

Ruth Loyd Miller, Jennings
Price Maxwell McCulley, Shreveport
Gordon Alexander O'Steen, Shreveport
Richard George Van Buskirk, Clinton
Frank William Wurzlow, Jr., Houma

July 26:

Van Willard Davis, Shreveport
Vincent Val Jean Dent, Shreveport
Taylor Walters O'Hearn, Shreveport
William Crosby Pegues, III, DeRidder
Samuel Vincent Prunty, Jr., Shreveport
Clayton Arthur Rystrom, Jr., Shreveport
Alfred Emanuel Soderman, Jr., Shreveport

Without examination by Committee on Bar Admissions as authorized by amendment to rule of admission by Supreme Court of Louisiana, June 2, 1953.

May 29:

James Leroy Babin, Zachary, LSU
John Sidney Brown, Jr., New Orleans, Tulane

June 5:

Charles William Baisley, New Orleans, Tulane

Ernest Herrmann Hanewinkel, Jefferson Parish, Tulane

Robert Leland Redfearn, New Orleans, Tulane

Crawford Allen Rose, Jr., Lake Providence, Tulane

Charles Thomas Wangensteen, Jr., New Orleans, Tulane

Joseph Adair Watters, New Orleans, Tulane

June 12:

Loyola University:

John Louis Bertucci, New Orleans
Albert John Boudreaux, Opelousas
Edward James Broussard, Jefferson Parish

Herbert William Christenberry, Jr., New Orleans

John Charles Ciolino, New Orleans
Francis Joseph Demarest, Jr., New Orleans

Thomas Jude DuBos, New Orleans
Monte Joseph Ducote, New Orleans
John Michael Flynn, Jr., Arabi
Maurice Benjamin Friedman, New Orleans

Nicholas Joseph Gagliano, New Orleans
William Joseph Graner, New Orleans
Floyd Franklin Greene, New Orleans
Jerome Patrick Halford, New Orleans
Albert James Huddleston, New Orleans
Martin Patrick Kelly, Jr., Metairie
Francis John Klein, New Orleans
Ronald Charles Levy, New Orleans
Sam Joseph Mattina, New Orleans
Gene Salvador Palmisano, New Orleans

Louisiana State University:

Milton Howard Anders, Arcadia
Edwin Laurine Blewer, Jr., Shreveport
Charles Wade Carwile, Lake Charles
John Earl Coleman, Jr., Baton Rouge
George Rew Covert, Baton Rouge
Robert Warren Coyle, Cotton Valley
Albert Louis Dietz, Jr., Shreveport
Ernest Ray Eldred, Oakdale
Edward Walther Gray, Oakdale
Thomas Dodson Hardeman, Lake Charles

Joseph Henry Kavanaugh, Baton Rouge

Robert William Kostelka, Shreveport
Richard L. Latimer, Alexandria
Lewis Olivier Lauve, Alexandria
Joseph Lipsey, Jr., Baton Rouge
James Robert Malsch, Shreveport
Charles Allen Marvin, Jonesville
Jesse Dekalb McDonald, Bernice
John Ernest Miller, Baton Rouge
Luther William Moore, Baton Rouge
Philip Nemours Pecquet, New Orleans
James Francis Pierson, Jr., Baton Rouge

Billy Ross Robinson, Bossier City
Pannal Lynwood Sanders, Zachary
Clark William Taylor, Baton Rouge
John Ludger Peytavin, Union
Dennis Leon Rousseau, New Orleans
John Asbury Shanks, New Orleans
Dan Ernest Stapp, New Iberia
Thomas Jacob Toranto, Jr., New Orleans

Robert Louis Treuting, New Orleans
Caryl Harrison Vesy, New Orleans
Forrest Vane Weir, New Orleans
Fred Peter Westenberger, New Orleans
Corinne Lee Wiener, New Orleans

Southern University:

Murphy Wilbert Bell, Baton Rouge
Lawrence Alfred Wheeler, New Orleans

Tulane University:

Henry Bernis Alsobrook, Jr., New Orleans
Jack O'Hair Asher, Miami Beach, Fla.
Ray Allan Barlow, New Orleans
George Villars Baus, New Orleans

Michael Mitchell Bearden, New Orleans
Sanford Earl Berger, New Orleans
John Allen Bernard, Lafayette
Donald Edward Chavanne, Metairie
Paul Bodden Deal, New Orleans
Hugues Jules de la Vergne, II, New Orleans

John Malcolm Duhe, Jr., New Iberia
Mitchel Mark Evans, New Orleans
Martin Leach-Cross Feldman, New Orleans

Dudley Dean Flanders, New Orleans
Marvin Charles Grodsky, New Orleans
Robert Buford Hargrove, Shreveport
Selig David Kass, New Orleans
Donald Stanley Klein, New Orleans
John Bernard Levy, Jefferson Parish
Arthur Lichtman, New Orleans
Rafael A. Mariota, New Orleans
Thomas Harrell Matheny, Hammond
Melvin William Mathes, Jr., New Orleans

Roy Francis Mayeux, Eunice
Dermot Sheehan McGlinchey, New Orleans

Willis Levi Meadows, Jr., New Orleans
Clarence Adam Miller, Jr., Cameron
Floyd Bernon Miller, Paris, Illinois
George Thurman Oubre, Norco
John Poitevent, New Orleans
Lawrence Goode Pugh, Jr., Crowley
Robert Rees, New Orleans
Garland Ray Rolling, Metairie
John A. Sanchez, Jr., Metairie
Sylvan Julian Steinberg, New Iberia
Martha Jane Fitzgerald Sweet, Miami, Florida

Robert Lawrence Taylor, New Orleans
Benjamin Casanas Toledano, New Orleans

Emile Charles Toups, New Orleans
William Lewis Von Hoene, New Orleans

James Walter Ward, New Orleans
Fernand Forester Willoz, III, New Orleans

Bob Forrest Wright, New Orleans

August 16:

Jack Gomes Carinhas, Jr., New Orleans, Tulane
Albert Shucry Facusseh, New Orleans, Loyola

James Erle Clark, Shreveport, LSU
Jeffrey Joseph Himel, Jr., Houma,
LSU

James Hugh Martin, Paulina, LSU
Henry Lee Yelverton, Lake Charles,
LSU

Address of Chief Justice

LIFE'S finest hours," Justice Fournet told the June 12 admissions' group, "are those moments of human experience that stand out like peaks in our memory, and every life has at some time its own great hours of achievement, illumination and inspiration to nobler living. Today is one of your finest hours. It is your day of reaping — your reward for years of hard and patient study. It marks the moment of elation in which you, your parents and loved ones, may feel a justifiable surge of pride in your achievements. It reflects a fulfillment in yourselves of the goal that, in moments of heightened insight, you have ever held before you. With the attainment of that goal, you are now in a position to see more clearly what the world about you means and how best you can fit into it creatively and significantly.

"You have just been administered the oath that is the crowning evidence of the reward of your labors and which makes you the newest fledglings at the Bar. Mr. Davidson, in extending to you the formal welcome of the Louisiana State Bar Association, has explained to you in words more eloquent than any I could phrase the advantages of working wholeheartedly with that association for the improvement and advancement of the administration of justice in all of its diversified fields. Mr. Kleinpeter has not only outlined for you the particular advantages the young lawyer de-

rives from active participation in the Junior Bar Section of the association, but has strikingly emphasized your obligations as officers of this court and portrayed for you the real rewards that lie ahead as you pursue your practice of the law. My pleasant duty lies in welcoming you on behalf of the court and in adding our sincere congratulations to those you have already received.

"In a few minutes you will repair to the office of our clerk where you will sign the permanent roll of attorneys. You may now look forward confidently to a challenging tomorrow when you will realize your full capacity as lawyers, serving not only individual clients, but, as members of the judicial branch of our government, assuming those responsibilities that will help to make this world a better place in which to shelter and broaden our common heritage — the provocative privilege of American freedom!

Oath Is Important

"The most important phase of this ceremony has been your taking of the oath to support the constitution and laws of the United States and the constitution and laws of this state, and to be faithful in the discharge of your professional duties as officers of the court. This is what distinguishes you from the members of all other professions, because only lawyers are required to take an oath of loyalty and obedience to constitutional government or an oath of fidelity in the performance of professional duties.

"It may interest you to know that the first such oath was administered by this court some 144 years ago on Monday, March 13, 1813, in the 37th year of the

Independence of the United States. According to our minutes, the first one to whom it was administered was Francis Xavier Martin—a name written large on the legal pages of Louisiana's history and who, only a scant two years later, himself ascended the bench as one of its most honored members. Edward Livingston, the great common law lawyer who left such an indelible imprint on our civil law, was admitted the same day along with four others. These six candidates were examined by the court, their qualifications then and there determined, and the oath administered immediately. The court apparently felt this was a little precipitous for the very next day it adopted a rule providing prospective attorneys would be examined one day, but that the court would wait at least until the next day to decide whether they had qualified.

"Shortly thereafter, in June of 1813, there was laid down the first of a varying number of pre-requisites for qualification for examination. Until 1923, however, the court continued to examine the candidates personally, although, beginning in 1840, an appointed committee determined the qualifications of those seeking to stand the court examination. It was not until November 2, 1880, that the clerk was directed to open and maintain the permanent roll of attorneys you will sign in a few minutes.

On June 28, 1923, the several committees throughout the state that had been determining whether applicants were qualified to be examined by the court were, upon the recommendation of the late Charles A. O'Niell, who had assumed the duties of Chief Justice on December 30, 1922, disbanded, and there was appointed the first state-wide

committee charged with conducting the examination and returning the results to the court. The first candidates standing such an examination were sworn in by the court on December 12, 1923. I find an interesting and amusing sidelight in the provision that under these rules candidates were required to pay their fee *before* the oath was administered. Today we swear you in before we require you to lay your money on the line!

No Formal Welcome

"Up until this time the candidates had apparently never been formally welcomed by the court. The custom seems to have originated with an erroneous news report in June of 1924 to the effect that the Chief Justice would deliver an address to the new lawyers on the subject of the ethics of the profession. Judge O'Niell, who was not even in town, hastened to advise the candidates by telegram he felt this "would be superarrogating" in this case, but added it was his devout wish and confident prediction the career they were starting would reflect such luster upon the profession it would destroy forever the superstition of the day. However, Mr. Justice Overton apparently felt the news article contained a worthy suggestion, for the minutes reflect that after Judge O'Niell's telegram was read, he spoke on behalf of the court, congratulating the graduates and extending to them a hearty invitation to enter the ranks of their brother attorneys at law in Louisiana.

"From that time these ceremonies have always been closed with remarks of similar import. During the time he remained on the bench, Chief Justice

O'Niell personally extended this welcome, other members of the court participating only when he was absent. When I became Chief Justice in 1949, I inaugurated the practice of rotating this pleasant task among the members of the court so that, in time, all could have a personal part in the ceremonies.

"Today we witness another milestone. For the first time in the court's history our baby brothers in the law are being welcomed by the Louisiana State Bar Association upon the suggestion and active solicitation of the Junior Bar Section. I cannot too heartily congratulate the association for this timely innovation, for we are all too prone to let the pressures of the moment cause us to lose sight of our duties and responsibilities as lawyers.

Duties and Responsibilities

"Within the broad framework of the law there is always room for the superstructure erected by creative, devoted, and responsible men and women. And so it is for you here and now to resolve that your contribution to the shaping of the law, the moulding of human thought, and the course of human affairs in your lifetime will reflect the best you have to give.

"If your labors are dedicated, your ideas sound and true, they will exercise their beneficent influence in every human activity for all future generations. In this sense, you are all instruments in a process that transcends your fleeting hour. If, as such instruments, you attain commendable and comparable professional eminence, and at the same time, merit the love and respect of those in your community, state, and nation, then you will have discharged

your duties as lawyers in the highest traditions of the profession. Your final reward will be the esteem of your professional brothers, which, as Mr. Kleinpeter has reminded you, quoting from Chief Justice Charles Evans Hughes, cannot be purchased, artificially created, gained by artifice or contrivance, or measured by pecuniary gains—but commanded solely by integrity of character, brains, and skill in the honorable discharge of your professional duty."

Remarks of Bar President

ON behalf of the Louisiana State Bar Association, it is my privilege to welcome each of you into membership in the organized Bar," President Davidson told the young lawyers

"Today's culmination of years of study enables you to assume the duties and responsibilities and to enjoy the opportunities of the time-honored profession of the law. In our integrated bar, your authorization to practice law in Louisiana automatically makes you a member of the Louisiana State Bar Association.

"We are living in an age of organization. In earlier times when life was not so complex, the individual lawyer may have been able to cope with the situation in his own community, where he was well known and influential and where everyone knew everyone else. However, today the voice of the individual is lost in the clamor of group after group which has been highly organized to capture public favor. If the lawyer is to demonstrate to the public his real value and worth to the community, he must join with his fellow attorneys in the united effort to put the message across. Today the influence of

the lawyer is the influence of his profession. Only through the organized Bar, can lawyers effectively meet the challenge which confronts them today.

Stringent Code

"The legal profession has one of the most stringent codes of ethics of any profession or calling; a code of ethics which has been developed from experience over many, many years as embodying those principles which are essential for the protection of the public in general, the individual client and the lawyer himself. As individual members of the profession, it is essential that we join with the other lawyers in demonstrating to the public, through the organized bar, that we actually maintain

the standards which we advocate, that we are alert in protecting the public and the profession from the unscrupulous and unethical lawyer, and in protecting the individual lawyer, judge and the court from unjust criticism.

"It is therefore with a feeling of pride in your achievement that we congratulate you upon becoming members of this ancient and time-honored profession, and at the same time welcome you into membership in your Bar Association. The Junior Bar Section of the State Association is most active and is leading out in many of our most important activities. Your place is there for you, and we urge you to actively participate in the work of the bar.

"Congratulations and best wishes."

Nuclear Energy Study Proposed

THE Southwestern Legal Foundation, of Dallas, will explore all areas of nuclear energy problems confronting the 16 Southern states, according to an announcement from the Southern Governors' Conference.

R. M. Cooper, Atlanta, chairman of the South's Regional Advisory Council on Nuclear Energy, said that the legal foundation will carry out a comprehensive study on the feasibility of a nuclear energy compact as a "public service."

Research will be concerned with all areas of nuclear problems including health and safety of workers in the nuclear field and of the general public, insurance, transportation, public utility regulation, workmen's compensation, conservation and use of natural resources, selection of sites for atomic plants, education and information, water control, and waste disposal from atomic plants.

The council, a 23-man nuclear devel-

opment body organized early this year, was created at the request of the Southern Governors. They directed that the council "explore the advisability of establishment of a compact for the development of nuclear energy for the advancement of the region."

Robert G. Storey, president of the Southwestern Legal Foundation, said that "we are particularly pleased to undertake this important study. It is the only study of its type being undertaken at the moment, and the results are expected to be far-reaching and will surely transcend the borders of the Southern states will have initiated it."

State represented on the Regional Advisory Council, in addition to Louisiana, are Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.



News of Local Bar Associations

DeBellevue Heads Acadia Bar

Lyle DeBellevue, Crowley, was named president of the Acadia Bar Association at the annual election of officers in July. Elected to serve with him for the coming year were: *Crowley City Judge Edmund M. Reggie*, first vice-president, and *Nolan J. Edwards*, secretary-treasurer.

The meeting was held in the parish courthouse in Crowley, with a social hour following at the Town Club. It was decided to hold sessions on the second Wednesday of each month.

The social hour was in the nature of a "going away" party for *Judge N. S. Hoffpauir*, of the 15th Judicial District, who with Mrs. Hoffpauir, left later for a tour of the Continent, including the American Bar Association meeting in London.

Fourth Circuit Court Recommended

The possibility of creating a fourth circuit in Louisiana to relieve the overburdened State Supreme Court's work load was discussed at a meeting of the East Baton Rouge Parish Bar Association at the Heidelberg Hotel in Baton Rouge. Participating in the discussion were *John H. Tucker, Jr.*, Shreveport, president of the State Law Institute, and *G. H. Hardy, II*, Judge of the Second Circuit Court of Appeals, Shreveport.

Both speakers recommended an increase in the number of courts, citing as the reason for the action the increasing number of cases before the ex-

isting courts, including the prevalence of litigation concerned with workmen's compensation, labor issues, improved highways which facilitate travel and make possible more occasions for damage to be wrought in the form of accidents, population shifts, oil industry developments and port city expansion. The speakers urged the bar association to give serious thought to this pressing problem, and to name appropriate committees to study the matter and make recommendations for its alleviation.

Washington Parish Bar Meets

President J. J. Davidson and the judges of the First Circuit Court of Appeals met the members of the Washington Parish Bar Association and their wives at an informal dinner at the home of Mr. and Mrs. Bascom D. Talley, Jr., in Bogalusa early in the summer.

Guests in addition to the state bar president included *Judge Albert Tate*, Ville Platte, *Judge Robert S. Ellis*, Amite, *Judge Morris Lottinger*, Houma, *Circuit Court Clerk Karl Leche*, Baton Rouge, and *Michael J. Molony, Jr.*, secretary-treasurer of the state association.

John W. Anthony, parish bar president, presided at a brief session of speechmaking by the guests.

Southwest Group Holds Sessions

R. W. Farrar, Jr., Lake Charles, president of the Southwest Louisiana Bar Association, called his six-parish group into session early in July to hear a dis-

cussion of the proposed revision of the appellate jurisdiction of the state's Supreme Court. The meeting, attended by attorneys from Cameron, Jeff Davis, Beauregard, Allen, Vernon and Calcasieu parishes, was held in Lake Charles' Pioneer Club.

Speakers included *John H. Tucker, Jr.*, Shreveport, chairman of the law institute, *Judge George H. Hardy*, Shreveport, of the Second Circuit Court of Appeals, and *Judge Albert V. Tate*, Ville Platte, member of the First Circuit Court of Appeals.

Spearhead Audrey Fund Drive

Typical of the sense of civic responsibility so frequently manifested by bar groups and individual lawyers is this report from *Eugene H. Lawes*, Lake Charles, chairman of the public relations committee of the Southwest Louisiana Bar Association:

"Shortly after Hurricane Audrey struck Cameron and Calcasieu parishes, the Southwest Louisiana Bar Association held a meeting to ascertain how the group could assist the disaster victims.

"One of our members, *G. W. Swift, Jr.*, Lake Charles, who also serves as co-chairman of the local Red Cross drive, suggested that the most useful service the association could perform would be to take over the solicitation for the 'Audrey Fund,' a special drive to aid the victims of the storm. The suggestion was approved, and each of our members personally solicited firms and individuals in our area on behalf of the fund. They were successful in raising a substantial sum for the relief of the hurricane victims.

"In addition to the work done by the association in this drive, a number of

our members in Calcasieu and Cameron parishes assisted in the rescue operation conducted in the area and helped with the enormous cleanup activities.

Speaks on Trust Estates

Dr. Leonard Oppenheim, Tulane Law School professor, was guest speaker at a meeting of the Rapides Parish Bar Association, held at the Hotel Bentley, Alexandria, on August 14. Dr. Oppenheim's topic was "The Louisiana Trust Estate Law."

Isaac Wahlder, president of the local bar association, presided. A question and answer period followed Dr. Oppenheim's talk.

Terrebonne Bar Elects

H. Minor Pipes, of Houma, is the new president of the Terrebonne Bar Association. He succeeds Kenneth Watkins, also of Houma, in that office.

The annual meeting of the bar group was held August 15. Reelected to serve with the new president were Baron Bourg, vice-president, and Gerald Lofaso, secretary-treasurer.

Members agreed to continue the association's efforts on two programs begun during the past year—an attempt to have Houma established as a seat for a new federal judgeship, and creation of a new circuit court with the judge sitting in Houma for that area.

The annual meeting was followed by a banquet, attended by the wives and guests of members.

Editor's Note: Contributions to this column from local bar association officers should be addressed to the Editor, Louisiana State Bar Journal, 805 International Building, New Orleans.

"The Law and You"

EVERY lawyer knows that he could do much better work, at less cost, and save many a heartache *if* his clients came to him *before* they negotiated the contract, signed the lease, drew the will, or did—or failed to do—any of the many things that keep human society in a constant turmoil.

Every lawyer knows, too, that in recent years people have flocked to Louisiana from every part of the country, bringing with them legal notions that differ vastly from the Civil Code which, if persisted in, could mean only grief and possible expensive litigation.

He knows that because of the complexities of modern living, the law affects more Louisiana people more deeply than ever before. Tax and estate problems, those peculiar to business and property, the rights of the worker and the employer are matters with which he can deal promptly and positively, if they are brought to his office before a time of crisis.

How, then, to get authentic information about the law to the general public? This problem underscores the major public relations activities of all bar associations—national, state and local—today.

One of the best devices to arouse public interest and to present the roles of bench and bar in their most helpful light is through the development of a once-a-week newspaper column similar to that made available to the daily and weekly press of Louisiana by the Public Information Committee of the state bar. Presented as a public service that will inform generally on common problems without offering advice that could be ap-

plied specifically to an individual problem, the column, "The Law and You," has been widely hailed as an educational feature. Popular reaction has been most favorable, and wider use of the material, offered without cost, is recommended.

Listed below are the Louisiana newspapers known to be currently using the column. If your hometown paper is not included, you may want to suggest its use to your local publisher.

The *Journal* is happy to salute the following newspapers for their use of the educational feature, "The Law and You:"

Abbeville Meridional
Algiers West Bank News
Amite Tangi Talk
Arcadia Bienville Democrat
Bernice News-Journal
Bogalusa Daily News
Bogalusa Franklin Era Leader
Bossier City Planters Press
Cottonport Leader
Crowley Daily Signal
Denham Springs News
DeQuincy News
DeRidder Beauregard News
DeRidder Enterprise
Eunice News
Ferriday Concordia Sentinel
Franklin Banner-Tribune
Gonzales Weekly
Gretna Westbank Herald
Hahnville Herald
Hammond Vindicator
Haynesville News
Houma Terrebonne Press
Houma Courier
Independence Independent
Jonesboro Jackson Independent

Kentwood Commercial
 Kentwood News
 Lafayette Daily Advertiser
 Leesville Leader
 Logansport Interstate-Progress
 Mansfield Enterprise
 Napoleonville Assumption Pioneer
 New Iberia Daily Iberian
 New Orleans Item
 New Roads Pointe Coupee Banner
 Opelousas World

Plaquemine Iberville South
 Ruston Leader
 St. Francisville Democrat
 Shreveport Journal
 Sulphur Southwest Builder
 Sulphur Southwest Star
 Tallulah Madison Journal
 Thibodaux Commercial Journal
 Vivian's Caddo Citizen
 White Castle Iberville Parish Times
 Winnboro Franklin Sun

**make your plans NOW
 to attend . . .**

**The Seventh Annual
 Louisiana Conference
 of Local
 Bar Associations
 to be held in
 Alexandria
 Thursday, Friday and Saturday
 November 21, 22 and 23**

Details of the Conference Program, including the meeting of the House of Delegates on Thursday, November 21, will be mailed all Bar Association members as soon as completed.

Our hosts, the Rapides Parish Bar Association, promise a complete entertainment program, including special features for the wives of lawyers in attendance.

**Prominent Speakers Good Fellowship
 Interesting Discussions**

Who is a Proper Legal Aid Client?

by Melvin L. Bellar

"SHOULD we have Legal Aid?" is no longer the question. Legal Aid is here to stay. If it is not sponsored and regulated by the local bar associations, it will be sponsored and regulated by the Councils of Social Agencies or by some branch of government.

The practical question today is, "Who is a proper Legal Aid client?" and this must be determined, not by an attorney specializing in Legal Aid practice nor by the board of directors of the Legal Aid Society, but by each local bar association through its membership, basing its answer on the peculiar economic structure of the community. Only then will there be a sound basis for operation and a cordial working relationship with the individual members of the bar. Both are essential if Legal Aid is to serve the community and the bar as it should.

How the Bar Association of Caddo and Bossier Parishes has answered the question may be of interest. This is how I, the Legal Aid attorney for that association, understand the answer. It must be kept in mind, of course, that our present view is a flexible one, as yours should be, if we are to profit from our experience.

General Criterion

The general criterion we apply in answering the question, "Who is a proper Legal Aid client?" is: anyone who needs a lawyer and it not able to pay the fee.

Six essential factors must be considered in determining ability or inability to pay a fee:

1. Earning capacity
2. Ownership of property
3. Savings
4. Number of dependents
5. Debts, and
6. Nature of the case.

No one of these factors can be overlooked if a fair determination is to be

made. When an answer is obtained on each of these considerations, it becomes obvious whether or not the client is able to pay a fee.

Earning Capacity

It doesn't take a statistician to figure out that a man earning \$40 a week before deductions, with a wife and four children to house, feed, clothe and educate, who owns no property, has no savings, and who is in debt and behind in his payments to the furniture store or finance company, is not able to retain and pay for the services of an attorney, at least without cutting further into an already substandard mode of living. This man is, and should be, an A-1 candidate for our Legal Aid Society.

In those cases where the answer isn't obvious after considering our six determining factors, a breakdown of actual living expenses, based on a commonsense understanding of a minimum standard of living, will usually reveal the ability and inability of an individual to pay his way without depriving his family of obvious necessities.

Ownership of Property and Savings

Ownership of property should be considered in the same view as savings. If there is property with liquidable value,

or savings out of which a fee could be paid, then the applicant is expected to use them to pay for the services of an attorney. There is good argument for the position that a family should be allowed a small nest egg out of which it would not be expected to pay an attorney's fees. But there also is merit in the present view of our bar association that a man should exhaust his own available reserve resources before he starts exhausting the resources of others.

Number of Dependents

The number of dependents which an applicant for Legal Aid has to support out of his income is a vital factor, to be considered simultaneously with the question of income in determining whether or not there is ability to pay for an attorney's services.

Burden of Indebtedness

In making an equitable determination of ability to pay, the indebtedness with which the applicant is burdened is an important factor. It seems unreasonable to expect a man to compound his dilemma by letting valid debts already made go unpaid to secure representation by an attorney. If, however, the debts are of a frivolous nature, the man may well be disqualified because of unworthiness.

Nature of the Case

A determination of the nature of the case is essential because there are many types of cases which can be handled by a private attorney without exacting an "Out-of-pocket" fee from the client. In these cases it will work no financial hardship on the client, even though he be indigent.

EVEN though the applicant may be found to be financially unable to pay through the application of the six

principles enumerated, there are six types of cases unacceptable to our Legal Aid Society. These exceptions are:

1. Contingent Fee Cases. We do not accept any case which can be handled on a contingent fee basis where the amount involved exceeds a scheduled minimum. (a). Wage cases: without dependents, \$100; with dependents, \$300 (where fees can't be recovered from defendant); (b). Suit on a note: without dependents, \$50; with dependents, \$200; (c). Personal injury claims: without dependents, \$100; with dependents, \$300; (d). Property damage, other than auto: \$200; (e). Property damage, auto: \$100, only if car is used in employment; and (f). Successions: \$500, of minors and insane persons only.

2. Cases are not accepted where fees are recoverable from defendant, such as in claims arising under the Louisiana Employee Wage Act where attorney's fees, as well as penalties, can be assessed against the employer.

Grounds for Divorce Action

3. Divorces and Separations. Even though an indigent applicant for Legal Aid assistance may be entitled to and wants a legal separation or divorce, this is not sufficient ground upon which our Legal Aid Society will perform this legal service. We will accept those cases, however, where there is some additional social necessity involved, such as where minors are materially affected, or where a divorce is necessary for the purpose of legitimizing a child, or where it is necessary for a mother to file a legal separation to obtain custody of her children. Legal separations also will be obtained where only the wife is involved, if the husband cruelly abuses her and she attempts to live separately from

him but he will not allow her to do so.

4. Bankruptcy cases: It is our feeling that bankruptcy cases are of such a nature that they may be handled by a private attorney without working undue hardship on the client. Where a person is ridding himself of \$50.00 or more in monthly installment payments and wiping out several hundred dollars of indebtedness, he could and should be expected to substitute therefor a \$15 or \$20 monthly payment to his attorney who is freeing him of these burdensome obligations.

However, one of the biggest types of cases handled by the Legal Aid Society is debt adjustment and voluntary respite situations where voluntary agreements are worked out with the several creditors, and assistance given to enable a man to pull himself out of his predicament without the necessity of resorting to bankruptcy. In practically every case where the debts are large enough and the assets small enough to warrant bankruptcy, the minimum fee of a private attorney could certainly be substituted in place of the debts which are being liquidated through bankruptcy. On the other hand, if an honest effort is made to obtain private representation without success, and bankruptcy appears to be the only solution, then I am sure that the committee would be willing to approve of the handling of the bankruptcy proceeding by the Legal Aid Society on an individual basis.

No Criminal Work

5. Criminal cases: The Legal Aid Society of Caddo and Bossier Parishes does not accept indigent defendants charged with commission of a crime, the present attitude being that the existing Court appointive method is serving

at least the minimum need. There is considerable argument, however, in favor of extending Legal Aid, either through private Legal Aid Societies, or through the creation of the Public Defender office, to render this service in a more effective manner to persons accused of crime. One of the chief objections to the present method is that the Court will not appoint an attorney for an indigent person accused of crime unless he is charged with the commission of a felony, and not even in felony cases where the defendant pleads guilty.

It would seem, to me at least, that an indigent defendant should have advice of counsel to determine whether or not he should plead guilty. The question as to the proper way to represent indigent persons accused of crime is now in an evolutionary process.

There is much good argument in favor of all these viewpoints, and it may well be that we will, at a later date, arrive at a more workable solution of this problem which has vexed the bar association for many years. It is felt that our rule at this time is based more on practical necessity due to the newness of our Legal Aid Society and the limited personnel, rather than on a sincere approach to the question of what is the best solution to this problem.

6. Unworthiness: A practical approach to any social service requires that there be some rule as to worthiness. No one enjoys helping those who do not believe in trying to help themselves. Therefore, where a person could, through any decent management of his own affairs considering the circumstances, help himself, if he does not desire to do so we should not encourage the delinquency by offering a helping hand which would, in

reality, be no helping hand at all. If, from the total circumstances of the individual, it appears that he has it within his power to make the adjustments necessary to enable him to pay his own way, then it is only sound reasoning that he should be compelled to do so.

While it is not considered an exception as to case, there will arise from time to time cases which, in the opinion of the Legal Aid Society, should be handled by private representation and will be referred to private attorneys, but the client will be unable to find an attorney who will take his case. It is our policy, regardless of the exception as to case, to represent a person who needs the services of an attorney if private representation cannot be obtained, and the person is actually certified to the Legal Aid Society by a practicing attorney as a proper Legal Aid matter.

Public Expression Urged

It must be pointed out that Legal Aid, at least on an organized community basis, is new to practically every section of our State, with the exception of the New Orleans area, and that the philosophy of Legal Aid—and more important the philosophy of who is a proper Legal Aid client—is in the process of formulation. It is, therefore absolutely essential that each member of the bar realize this and make his ideas and criticisms known to the Legal Aid Committee of the bar association in order that his thinking, as well as the thinking and attitude of the total membership, will be reflected in the rules and regulations of your Legal Aid Society or Committee.

The Legal Aid lawyers not only welcome your thoughts and criticisms, but we earnestly plead that you make your

thoughts and criticisms known, for it is only through this method that we will be able to arrive at a cordial and mutually helpful relationship.

Legal Aid is not the work of the Legal Aid Committee, or the Legal Aid attorney. It is the product of, and the responsibility of the entire membership of the bar association. It is up to us—the Legal Aid attorneys—only to augment and put into practice the policies of their respective bar associations. It is up to you—the private lawyers—to let us know what that policy is.

Law Books Sought

Any old law books, or duplicate copies, in your library that you would like to donate to legal centers overseas?

If so, it is requested that you send a list of the available volumes, in duplicate, to Chief Justice Robert G. Simmons, Nebraska Supreme Court, Lincoln, for screening. Justice Simmons is chairman of a committee that has been working for years to fill such requests from legal groups all over the world.

Principally required are copies of *Corpus Juris*, *Ruling Case Law*, *Restatement*, the *Selected Case Series*, *United States Supreme Court Reports and Digests*, and standard law school text books, including those on *Constitutional*, *Criminal* and *Commercial Law*. There is a continuing need for these volumes.

The United States Information Agency will take care of the expense of shipment from the donor's home city to the place of delivery.

To date, Justice Simmons reports, more than 16,000 selected books have been sent and gratefully received in some 15 or 20 nations.

Bar Promotes Citizenship Day

THIS year, the Louisiana State Bar Association actively undertook the promotion of Citizenship Day within the state. As directed by joint resolution of the Congress, it will be observed nationally on Tuesday, September 17.

The Citizenship Day program is dedicated to the recognition, observance and commemoration of full-fledged American citizenship conferred on some two million young men and women in the United States who each year reach the age of 21, and to the large number of newly naturalized citizens. Its aim is to prepare them for the responsibilities of citizenship and to impress on them the significance of their status in our government.

In Louisiana, this annual "coming of age" event concerns an estimated 35,000 persons, and it is to them that this year's program is directed.

In the view of the Committee on American Citizenship, which developed the educational and promotional program under the chairmanship of Richard C. Cadwallader, of Baton Rouge, Citizenship Day also affords to all of our citizens an opportunity to rededicate themselves to the ideals of our way of life, and to understand more fully our constitutional form of government, its deep truths and priceless freedoms, to the end that they will discharge the duties and responsibilities of citizenship as well as accept its rights and privileges.

Local Activity Stressed

Presidents of the local bar associations were alerted to the program and were urged to arrange a luncheon, dinner or other appropriate assembly in commem-

oration of the day in their individual communities. They also were supplied with a sample proclamation for possible use by the mayor of their city urging public participation in such Citizenship Day events as might be scheduled.

All school superintendents, public and parochial, were contacted and requested to arrange suitable programs in their school systems, especially at the high school and college levels. In each instance, they were given the name of the local bar association president in their city or parish and urged to get in touch with him for suitable speakers.

Special Exhibits

All city, parish and school librarians were solicited to arrange a special exhibit of books on subjects of citizenship and the Constitution and to feature these exhibits during the week.

Letters were sent to the presidents of more than 300 civic and service clubs in Louisiana asking that they arrange Citizenship Day programs for their members during the week of September 16. They, too, were urged to contact their local bar association officers for suitable speakers for these programs.

A proclamation setting aside September 17 as Constitution Day in Louisiana was prepared and submitted to the Governor's office for approval. It was signed, in the Governor's absence, by Lieut. Gov. Lether E. Frazer.

A two-week barrage of publicity, including the Governor's Proclamation and a statement of objectives by Bar President J. J. Davidson, was released to all daily and weekly newspapers, radio and television stations within the state.

Proceedings of the 1957 Annual Meeting

DETAILED elsewhere in this issue of the *Louisiana Bar Journal* are the report and address by the outgoing President, Clarence L. Yancey; the report by the President of the Louisiana State Law Institute, John H. Tucker, Jr.; the report of the House of Delegates; Committee and Section reports, and a number of addresses delivered during the three-day annual meeting, held in Shreveport in May.

The proceedings of the Sixteenth Annual Meeting of the membership on Saturday, May 11 were concerned primarily with the adoption of resolutions recommending amendments to the association's Articles of Incorporation.

The resolutions recommended by the House of Delegates (see "*Action Taken by the House of Delegates*") were adopted by the annual meeting as proposed with the exception of that dealing with Article VII, Section 1. This proposed amendment would have eliminated from ex-officio membership on the Board of Governors the chairman of the Junior Bar Section, the representative of the Louisiana State Law Institute and the representative of each of the three full-time faculties of the Louisiana law schools belonging to the Association of American Law Schools.

Upon the recommendation of the Resolutions Committee, the membership voted to make only one change in Article VII, Section 1 of the association's Articles of Incorporation, that to read:

"... and three full-time faculty members to be elected by the membership of this Association at large from the faculties of the Louisiana law schools that belong to the Association of American Law Schools
..."

Additional action taken by the membership included:

A resolution memorializing the Board of Governors to hold the next annual meeting at Biloxi, Mississippi.

A resolution expressing the appreciation and gratitude of the Associa-

tion for the excellent coverage of association activities and the annual meeting by the Shreveport Journal and Times, the New Orleans Times-Picayune and Gus Martin, reporter representing the Times-Picayune, and the radio and television stations for their contributions to the success of the annual meeting.

A resolution expressing the recommendations of the Convention Assembly that the Association plan and program all future meetings to allow for at least two days' working time, eliminating as much conflict as is practicable so that more working time shall be devoted to the meetings of the House of Delegates, the Sections and Committees.

A resolution recording the Association as favoring adoption of the Jenkins-Keough Bills, House Resolutions 9 and 10, and urging that Congress give the matter immediate attention, and that a copy of the resolution be sent to each Senator from Louisiana, to each member of the House of Representatives from Louisiana, and to the Chairman of the Ways and Means Committee of the House of Representatives of the United States.

A resolution, on motion of the Committee on Economic Status of Lawyers, recommending to the Board of Governors that it cause a survey to be made in such manner and for such costs as it fixes with all such attendant publicity as the Board deems necessary to be given the results of the survey.

Action Taken By House of Delegates

THE following is a summarized report of the action taken at the meeting of the House of Delegates in Shreveport, May 10.

A complete transcript of the House proceedings is maintained in the Secretary's Office, 805 International Building, in New Orleans, and will be made available to members of the House and Bar Association desiring to examine it.

Rules of Procedure

The Rules of Procedure for the House of Delegates as proposed by the Special Committee of the House headed by Laurance W. Brooks, Baton Rouge, were adopted, with few amendments, and placed into effect immediately thereafter.

Recommendations for Amendments to the Articles of Incorporation of the Association

The Special Committee appointed by the President to consider and recommend means of implementing the function and operation of the House of Delegates and needed changes in the Charter of the Association reported to the House through its Chairman, Fred A. Blanche, Baton Rouge, and Ashton Stewart, Baton Rouge, a member of the Committee, and proposed a resolution recommending to the Convention assembly at its annual meeting amendments to certain Articles of the Association's Charter. After considering all the proposed amendments to the Association's Charter and discussing, at length, the major changes suggested, the House adopted these resolutions recommending the following amendments to the Association's Articles of Incorporation:

1. Article VI, Sec. 3.

Amend to provide for the election by secret ballot and pursuant to the procedure prescribed by the Board of Governors a nominating committee of eight members of the Association,

one from each Congressional District, with the President as an ex-officio member and Chairman.

2. Article VI, Sec. 4.

Amend to direct the nominating committee to nominate within the time fixed by the Board of Governors, a president, a vice-president and a secretary-treasurer only and to report such nominations to the Board of Governors within the time prescribed authorizing the Board of Governors to fix the time period following announcement of the nominations reported by the Nominating Committee, after which nominees for the office to which only one person is nominated shall be declared duly elected.

3. Article VI, Sec. 5.

Amend to authorize the Board of Governors to prescribe a time period within which nominations by petition can be made and to fix the return date for the ballots in an election to be held in the event more than one person is nominated for any office.

4. Article VI, Sec. 7.

Amend to eliminate the date "March 20th" and substitute therefor "a date fixed by the Board of Governors" for the tellers to count ballots and report the results of elections.

Amend the second paragraph of Sec. 7 to provide for a second election in the event any candidate fails to receive a majority of the votes cast for the office to which he was nominated.

Amend the third paragraph of Sec. 7 to provide that officers elected shall assume their duties upon the adjournment of the first annual meeting following their election.

5. Article VII, Sec. 1.

Amend to vest in a Board of Governors such affairs of the Association as are provided for in the Charter or as directed by the House of Delegates and to limit membership of the Board of Governors to the President, the Vice-President, the Secretary-Treasurer, the outgoing President of the Association for the year following his term of office as ex-officio members, and one member each from the eight Congressional Districts of this state to be elected by a secret mail ballot by the active and faculty members of each Congressional District under such procedure as prescribed by the Board of Governors. Also amend to add that, in addition to active members of the Association, faculty members in good standing who are entitled to practice law in Louisiana shall be eligible for election to membership on the Board of Governors.

This proposed amendment, if adopted by the Convention and the members of the Association, would have eliminated from ex-officio membership on the Board of Governors the Chairman of the Junior Bar Section, the representative of the Louisiana Law Institute and one each of the members of the full-time faculty of each Louisiana Law School belonging to the Association of American Law Schools.

6. Article VII, Sec. 2.

Amend to provide that members of the Board of Governors from each of the eight Congressional Districts shall be elected in the same manner, under

the same procedure, and at the same time as members of the House of Delegates and that the first and second Congressional Districts shall be considered and vote as a unit.

7. Article VII, Sec. 3.

Amend to delete the last two sentences.

8. Article VII, Sec. 4.

Amend to provide for a second election in the event that any candidate for membership on the Board of Governors fails to receive a majority of the votes cast and to permit the Board of Governors to select the date for such election and the returns thereof.

9. Article VII, Sec. 5.

Amend to provide that newly elected members of the Board of Governors shall take office at the commencement of the first annual meeting following election and that the terms of office of such newly elected members shall terminate with the commencement of the third annual meeting following election or until the election and certification of a successor.

10. Article VII, Sec. 6.

Amend to provide that, in the event of a vacancy on the Board of Governors among the elected members, the president of the Association shall appoint a member for the unexpired portion of the term from among the active and faculty members in the district in which the vacancy occurred.

11. Article IX, Sec. 2.

Amend to provide that the House of Delegates shall create additional Sections and authorize the appointment of such standing and special committees as it may deem proper provided that the Board of Governors may create such standing and special committees of the Association as it deems proper.

12. Article X, Sec. 3.

Amend to add that the House of Delegates may adopt such rules and procedure for the transaction of its business as it deems suitable.

13. Article XV.

Amend to provide that Article XII (Admissions to the Bar) and XIII, (Discipline and Disbarment of Members) can be amended only by a vote of the House of Delegates, approved by the Supreme Court.

14. —

Resolutions memorializing Board of Governors to recommend amendments to certain Articles of the Association's Articles of Incorporation.

(1) Article XII, Sec. 1—Recommend amendment to provide that appointments to the committee on Bar Admissions shall be made by the Supreme Court on the recommendation of the House of Delegates (instead of the Board of Governors).

(2) Article XIII, Sec. 1—Recommend amendment to Supreme Court to increase membership of Committee on Professional Ethics and Grievances to eight members, one from each Congressional District to be appointed by the Supreme Court on the recommendation of the Board of Governors.

Authorized Appointment of Committee to Represent House Before Resolutions Committee

The President, pursuant to authorization of the House, appointed a committee of the House of Delegates to appear before the Resolutions Committee of the Association in convention assembled to represent the House's views on the resolutions recommended by it. This committee consisted of Fred Blanche,

Chairman, Baton Rouge, Ashton Stewart, Baton Rouge, and T. Haller Jackson, Jr., Shreveport.

Memorialized Board of Governors to Employ An Executive Counsel and Public Relations Counsel for the Association

The House adopted a resolution offered by Fred Blanche, Baton Rouge, and amended on the floor, memorializing the Board of Governors to employ a full time executive counsel and also a public relations counsel.

Memorialized Board of Governors to Appoint a Liaison Committee

To provide for some liaison between the Board of Governors and the Junior Bar Section, the Louisiana Law Institute and the law schools of this state, in the event the proposed amendment to the Articles of Incorporation recommended by the House would be adopted by the Association and representatives of those groups eliminated from membership on the Board of Governors, the House memorialized the Board of Governors to create a liaison committee composed of representatives of each the Junior Bar, the Law Schools of the state and the Louisiana Law Institute.

Formal Expression of Thanks to Committee

The House adopted a resolution expressing the gratitude of all of its members to Fred Blanche, Laurance Brooks, and Ashton Stewart for outstanding work in preparing proposed rules of procedure and recommended amendments to the Articles of Incorporation and all of the work which the special committee of which Fred Blanche was chairman performed.



COMMITTEE AND SECTION REPORTS

Junior Bar Section

During the past year, the following persons have served on the Council of the Junior Bar Section: George W. Pugh, Baton Rouge, Past Chairman, T. Haller Jackson, Jr., Shreveport, Chairman, Floyd J. Reed, New Orleans, Vice Chairman, and John G. Weinmann, New Orleans, Secretary-Treasurer; First and Second Districts: Frank J. Stich, Jr., New Orleans, and A. J. Graffagnino, Metairie; Third District: Richard C. Meaux, Lafayette; Fourth District: John W. Haygood, Shreveport; Fifth District: William H. Baker, Jonesboro; Sixth District: H. Payne Breazeale, Jr., Baton Rouge; Seventh District: C. Kenneth Deshotel, Opelousas, and Eighth District: William E. Skye, Alexandria.

Three meetings of the Council were held during the past year, two in Baton Rouge and one in New Orleans. The Council formulated and supervised the campaign of the Junior Bar Section for passage of the House of Delegates proposal and the dues increase. The Council prepared new by-laws which were approved by the Board of Governors of the Louisiana State Bar Association on April 6, 1957.

National Meetings

The Junior Bar was represented at the Junior Bar Conference of the American Bar Association in Dallas in August, 1956. The Section was represented by T. Haller Jackson, Jr., Paul Tate, James D. Johnson and George Pugh, as delegates. Alternates were H. Payne Breazeale, Jr., John G. Weinmann and William H. Baker. A committee consisting of George Pugh, Paul Tate and James D. Johnson prepared the entry of the Junior Bar Section in the Award of Merit contest, which received an honorable mention in the judging. Mr.

John G. Weinmann was appointed Chairman of a special Junior Bar Conference committee to revamp the entire conduct of the annual meetings of the Junior Bar Conference.

Conference of Local Associations

At the Midwinter Conference in Baton Rouge, the Junior Bar Section presented a panel dealing with lawyers' fees. Mr. Philip Goode of Shreveport spoke on the subject "Fees and The General Practitioner;" Mr. George Womack spoke on "Minimum Fee Schedules and Consultation Fees;" and Mr. Robert E. Leake, Jr., spoke on the subject "Fees from the Standpoint of the Larger Firms."

Louisiana State Law Institute

In accordance with the by-laws of the Louisiana State Law Institute, your chairman has served as a member of the Council of the Institute during the past year. In addition, Dr. George Pugh and Mr. Paul Tate were elected by the Council of the Institute to serve as full members of that organization. Mr. George Hall and Mr. H. Payne Breazeale, Jr., were appointed as observers to attend council meetings. Mr. Breazeale's term expired on December 31, 1956 and he was succeeded by Mr. Sidney E. Cook.

By-Laws and Manual

The manual prepared several years ago was slightly revised and re-distributed to all Junior Bar officers and committee chairmen.

In view of the fact that the Junior Bar Section by-laws had become outmoded, a revision was undertaken under the leadership of Mr. James D. Johnson. These by-laws were approved by the Junior Bar Council and Board of Governors of the Louisiana State Bar Association. The most important item accomplished by the by-law re-

vision is the definition of membership which now provides that members remain in the Junior Bar Section until the end of the calendar year within which the member attains the age of 36 years.

Meetings of the Board of Governors

The Chairman attended all meetings of the Board of Governors of which he is an ex-officio member. The Junior Bar was highly complimented by this group because of its activity in the dues campaign and the House of Delegates election.

Roster and Budget

The roster of the Junior Bar members was kept current during the year by the addition of new names to the list.

The budget for the current year was \$800.00. This sum was found to be insufficient and the Section expenses have exceeded the budget amount by a small sum. During the campaign for the dues increase, a tentative budget for the Junior Bar Section was stated at \$1,250.00. All Section members are urged to assist in obtaining this amount through the House of Delegates in order that the Junior Bar Section activities can be more complete. At the present time, there are insufficient funds to finance committee meetings and other necessary undertakings. The Junior Bar paid the chairman's expenses to the American Bar Association meeting in Dallas. It is recommended that this procedure be maintained in the future for the reason that the experience and contacts gained at the Junior Bar Conference meeting are invaluable to the chairman of the Junior Bar Section.

Reports of Committees

The various committee chairmen and members appointed during the past year have done an outstanding job and they are to be commended by all members of the Section for the work done. The following report is not exhaustive, but contains some of the highlights of outstanding committee work performed during the past year.

(a) *Special Project Committee.* This

committee was under the leadership of Mr. Floyd J. Reed, Vice Chairman. Its purpose was to secure passage of the House of Delegates proposal and the dues increase. The committee was established with at least one Junior Bar member in each judicial district of the state. The committee members did an outstanding job of building support in their respective judicial districts for both proposals. The dues increase had been defeated three times in recent years prior to this last election. Organized Junior Bar support undoubtedly assisted in the passage of both proposals.

In addition to the work done by the committee under Floyd Reed, your chairman authored a pamphlet entitled "A Challenge for Louisiana Lawyers" which was re-worked by a committee of the Board of Governors and ultimately printed and mailed to all State Association members. This pamphlet described the need for additional funds and is credited by many people with being the principal item that secured the dues increase. The Junior Bar committee men had copies of this pamphlet for use in their solicitation.

(b) *Committee on Law Student Participation.* This committee was actively headed by Mr. William E. Crawford. Addresses were delivered at all three of the Louisiana law schools by members of this committee to acquaint students with bar association activity. In addition, conferences were held with the Deans of the three law schools relative to including bar association information in courses taught at the law school. Frank Stich has been appointed as a special representative of the Junior Bar to work with Mr. J. J. Davidson, president of the State Association, in arranging ceremonies for the admission of new attorneys before the Supreme Court.

(c) *Committee on Procedural Reform.* The chairman of this committee was Robert L. Kleinpeter. Its principal project consisted of a study of the pre-

trial conference statute in Louisiana. Mr. Sidney E. Cook, a member of the committee, drafted a questionnaire which was mailed to all district judges. Answers were obtained and the information correlated by the committee. The various facts obtained are the basis of a comprehensive report prepared by the committee.

The other item of work was the drafting of a proposed "Juror's Handbook." This pamphlet is intended for distribution to prospective jurors throughout the state. The committee intends to submit its final draft to the Louisiana State Bar Association and the judicial council for final approval and suggestions. Thereafter, the committee hopes that funds will be made available to print the booklet and make it available for distribution by district court clerks throughout the state whenever they mail jury notices to those in their district.

(d) *Committee on Military Service.* This committee was headed by Louis D. Curet of Baton Rouge. The committee spent a great deal of time and effort in obtaining an accurate roster of attorneys presently serving on active duty with the armed forces. Experience has proved that most attorneys do not notify the State Bar Association of their addresses when they go in service. The committee has also been investigating the possibility of establishing courses in military law to be taught in the law schools of this state. The committee sent a questionnaire to attorneys in the service asking them whether or not they desire the establishment of a job placement service for attorneys returning to civilian life. No conclusion has been reached on this matter pending receipt of the questionnaires.

(e) *Committees on Public Relations and Public Information,* were under the leadership of Paul Tate of Mamou and James D. Johnson of Opelousas. Through the work of these committees,

many newspaper articles were prepared and furnished to the state association committee on public relations for distribution to newspapers in the current series. The committee also prepared additional pamphlets for printing and distribution on various legal topics.

James D. Johnson has prepared an article on the work of the Louisiana Junior Bar Section and has forwarded it to the Junior Bar Conference of the American Bar Association for publication in one of the American Bar Association periodicals.

(f) *Committee on Unauthorized Practice of Law.* Donald Tate of New Orleans was chairman of this committee. The committee undertook a complete and comprehensive investigation of the problem of unauthorized practice by Notaries Public. The study was broken down into four parts as follows: Historical background of Notaries Public in France and Spain; Historical study of the role of the Notary in Louisiana; a survey of the qualifications, modes of appointment and the powers of Notaries in other states; and a survey of the method of appointing Notaries in each judicial district in Louisiana. Approximately one-half of the work has been completed, but it will remain for the next administration to receive the final report of the committee's work.

(g) *Committee on Courts of Limited Jurisdiction.* The chairman of this committee was Samuel R. Exnicios of New Orleans. The committee studied the question of whether or not Justices of the Peace should be eliminated in Louisiana. The committee concluded that at the present time there was still a great deal of work handled by Justices of the Peace in rural areas and that elimination would not be in the public interest. The committee concluded, however, that the constitutional qualifications for Justices of the Peace are too meager and many of them are unversed with their jobs. The committee suggested that J. P. candidates might

be first certified as being capable for the office by the parish district court prior to election. The committee also studied the matter of increasing the monetary amount in oral suits before City Courts.

(h) *Study Committee on Ethics and Grievances.* William H. Baker, a member of the Council, served as chairman of this committee. The prior committee of the Junior Bar had recommended that the committee be abolished because its aims were being handled by the Senior Bar committee on the same subject. The report of the present study committee is to the effect that a great deal can be accomplished by the Junior Bar committee provided some funds are made available for its work. During the past year, the committee assisted the same committee of the Louisiana State Bar Association in obtaining funds from the Board of Liquidation for the state debt after other funds became unavailable.

(i) *Committee on Traffic Courts:* The committee was headed by Cecil Ramey of Shreveport. Its principal work has consisted of setting up the visitor-violator program for Louisiana in cooperation with the Junior Bar Conference of the American Bar Association. The program was carried out in May of 1957 to promote traffic safety and to improve the administration of justice in the traffic courts. Committee members have been appointed as well as local directors of the program in Louisiana. This program will not be complete until the new officers are elected and it is recommended that the present leadership be maintained until the program is concluded.

Other Junior Bar committees have done fine work in the past year. The committee on *Continuing Legal Education* under George Pugh has undertaken the preparation of a book dealing with the law of separation and divorce in Louisiana. The committee on *Legal Aid in Criminal Cases* under Edward G. Koch, Jr. has established a compre-

hensive plan for the study of the problem of representing indigent persons charged with crime. The committee has no specific recommendations at the present time, but during the coming year an important report can be expected.

One of the outstanding jobs during the past year has been the establishment of a Junior Bar Section within the New Orleans Bar Association. The president of the New Orleans Bar, Mr. Joseph McCloskey, has been most cooperative in this endeavor. Frank Stieh, John Weinmann, and Floyd Reed all deserve special commendation in achieving this long desired aim.

T. Haller Jackson, Jr., *Chairman*

Louisiana State Law Institute

Since the last general meeting of the Institute, the time of the Council has been occupied in large measure with pushing toward the completion of the revision of the Louisiana Code of Practice. It was reported to you last year that hopes were high of completing the revision by the end of 1956. A number of factors contributed, however, to delay the program. It is believed that it can now be said with some assurance that the proposed revision will be ready for presentation to the Legislature in early 1958.

Six pamphlets covering the work that has been completed during the past year are now available. It is hoped that you will be able to find some time to study them and let us have the benefit of any suggestions that you may have to offer. It may be well to remind that, although the provisions contained in these *Exposés des Motifs* represent the conclusions reached by the Council, it would be questionable to conclude that they reflect unanimity of opinion. If you had been present you might have wished to see something included that was not, or you may have had other views to offer for which there was no spokesman present.

To forestall any impression of fi-

nalinity that may arise from the fact that these provisions are now appearing in printed form, it may be timely to recall that the Council has at least one great attribute. Nothing that it decides is necessarily final with it until the projet has been submitted to the Legislature. It will not hesitate to grant a rehearing on any serious request or even suggestion. The Council would like to be assured that it has had an opportunity to consider every possible suggestion for the improvement of the draft. That the projet should please everyone, although a consummation devoutly to be wished, must be accepted as beyond attainment.

Yet, the greater the number of people that examine the proposals, the greater the likelihood that the final draft will be found acceptable to the Legislature. Amendments can now be made with ease and this will continue to be so as long as the draft remains within our control. We solicit, therefore, your careful scrutiny. Consideration is being given to the holding of a series of meetings throughout the state, such as was done earlier in the progress of the work, to further acquaint the members of the profession with the contents of the draft.

The Council is presently dealing with the subject of Tutorship. Some remaining provisions under the title of Courts are in the process of being drafted and the subjects of Interdiction and Curatorship, and Procedure in Courts of Limited Jurisdiction are at the same stage of completion. Research has been completed on Officers of the Courts and is about complete on Parties. This spells out what remains to be done. It means, in short, that the end is reasonably close. Of course, after the draft has finally cleared the Council, there will yet be problems of style and semantics to solve, and the Reporters' comments, that are so vastly important, will have to be put into final shape for printing.

Further work on the revision of the

proposed Civil Code is still being deferred pending the completion of the Code of Practice. The procedures that should be adopted for the proper handling of this projet, which will be of such vital interest to all of us, are under constant study. The experiences of the Civil Code Reform Commission of France and the Civil Code Revision in the Netherlands that has been under way since 1947 will be of considerable benefit.

There have been distributed to the members of the Council from time to time reprints of articles dealing with these efforts at Civil Code revision, as well as other articles discussing basic problems that will be encountered when the revision of the Civil Code is actively undertaken. The Council is fully aware of the complexities involved in this mandate. It realizes that the decisions it will make even in the planning stage will be of very great consequence. They will be made, therefore, only after mature deliberation.

You were advised last year at this time that the Institute anticipated a mandate from the Legislature to prepare a revision of the Code of Criminal Procedure. In view of this, the Legislature was requested to increase the Institute's appropriation so that the preparation of the projet for a new Code of Criminal Procedure might proceed without hindrance by lack of funds. The legislative mandate was forthcoming, but not the additional funds. However, enough was squeezed out of the present budget to support the appointment of Mr. Dale E. Bennett as Reporter for the revision of the Code of Criminal Procedure and to engage two part-time student research assistants for him. Mr. Bennett has moved forward steadily, as is his characteristic, with a comprehensive program of research. He is making a complete survey of Louisiana statutory provisions and jurisprudence and a comparative analysis of the American Law Institute Model Code, the Federal Rules,

and statutes of other states where revisions have recently been made. These studies will serve as a starting point for the work of revision.

The results of his labors will be printed in the early fall for the benefit of the Council and the full staff of reporters, when their appointment can be made. Present plans call for adding one from Tulane and one from Loyola to join Mr. Bennett as soon as the major effort on the Code of Practice has been terminated. It may be possible to complete the revision of the Code of Criminal Procedure by 1960.

Although some of us were beginning to believe that the Planiol translation would be always with us, the end, nevertheless, is approaching. To bring you up to date, the translation of the first volume has been completed for some time. Judge Henry's work on the translation of the second volume is in the fourth and final quarter. Mr. Jaro Mayda, a post-graduate student at the University of Chicago School of Law, who began the translation of the third and final volume last fall, has already delivered one-half of the manuscript. Incidentally, his product has been excellent.

If the remaining portion of Judge Henry's manuscript covering the second volume is ready, as scheduled, before the end of the year, it will then be possible to send the translation of all three volumes to the West Publishing Company in early 1958. West promised the Institute some time ago to print the translation upon its completion. You will recall that the Annotated Edition of the Civil Code contains cross-references to Planiol. Members of the bench and bar alike should find the English translation of Planiol's *Traité Élémentaire* a very useful and illuminating source of information.

Professor Eugene A. Nabors of the Tulane Law Faculty has submitted a revised draft of proposals aimed at clarifying the mineral law committee. They reflect his extensive research in

this field and his comprehensive knowledge of the problems that invite attention. Notwithstanding the controversial nature of this subject, there is good reason to hope that the committee may come up with some suggestions that will bear great fruit.

In keeping with the international flavor of the times, the Institute, with the cooperation of Mr. Wade O. Martin, Jr. and the U. S. State Department, has moved significantly toward furthering the cordial relations between this country and a number of foreign countries the legal system of which bear affinity to that of Louisiana. It has presented the Projects of the Civil Code and the Code of Practice of 1825, the Compiled Edition of the Civil Codes, the Louisiana Criminal Code of 1942 and the Louisiana Revised Statutes of 1950 to a selected group of legal institutions throughout the Republic of France, to a like group in Canada and to legal institutions in all of the twenty-one Latin American Republics. Similar sets of these volumes were presented to fifteen noted legal institutions in Great Britain.

The State Department has been very much interested in this program and has assisted the institute in effecting delivery of the volumes to the recipients. The responses that have been received lead us to believe that a great deal has been accomplished in furthering the friendly relations between these countries, the State of Louisiana and the United States. At the same time the Institute has been spreading the gospel of law reform and the advantages to be gained from the establishment of a continuous program for such purpose through a permanent agency, in short, by publicizing its own story. In our own country, increasing interest is being displayed in the institute and in the procedures by which it has been able to furnish to the State of Louisiana a service the need for which is not restricted to Louisiana.

The institute has to its credit, among

other things, a modern Criminal Code for Louisiana, a revision of the Louisiana General Statutes, and a project to serve as a guide for constitutional revision. It has established a system of continuous statutory revision and has presented to the Legislature many proposals for law improvement in particular areas. It will soon have completed the revision of the Code of Practice and in a few years the Code of Criminal Procedure. When it is possible to look back on the revision of the Civil Code, the list of major projects calling for attention when the institute was organized will have been checked off. But there is no reason to believe that ideas for the improvement of the law of Louisiana will then be exhausted or the need dissipated.

J. Denson Smith, *Director*

Committee on Jurisprudence and Law Reform

Probably because of the fact that no general session of the Louisiana Legislature will be held this year, only one matter was referred to this committee for study and recommendation.

Water Well Driller's Privilege. On October 26, 1956, President Yancey referred to this committee for appropriate action a request that this association recommend the amendment of R. S. 9:4861, so as to remove a hiatus in the present legislation. The suggestion stemmed from the decision of the First Judicial District Court for the Parish of Caddo in the case of "Tracy v. Hewitt," affirmed by the Second Circuit Court of Appeal in 92 So. 2d 757 (La.) that, under a strict construction of the provisions of R. S. 9:4861, a person who drilled a water well for the owner of the land had no privilege on the property to secure his charges for services rendered. This committee feels that, assuming the advisability of recommending a change in our present legislation, this hiatus may be filled in by an amendment of R. S. 9:4861 which would add a second paragraph thereto

reading as follows:

"If a water well is drilled at the instance of the owner of the land, the privileges granted by this section shall also affect the tract of land on which the well is drilled and all improvements thereon."

Initially, the committee was concerned over the possibility that such an amendment might seriously prejudice the security of mortgage creditors; but after further study of the matter concluded that such an effect, as to prior mortgage creditors, was precluded by the language of R. S. 9:4862, as amended by Acts 1956, No. 100, § 4. This amended provision ranks the privileges granted by R. S. 9:4861, and provides that these privileges

"are superior to all other privileges or mortgages against the property, except taxes or a bona fide vendor's privilege, or privileges or mortgages filed or recorded prior to the date on which the first labor, service, * * * material or supplies covered by the privilege herein granted is furnished."

The majority of the members of the committee, therefore, voted in favor of recommending the amendment of the statute as set forth above. One member of the committee, however, felt rather strongly that the committee's functions should be limited to the recommendation of legislative changes on matters of broad economic interest or general importance to the State or to the legal profession therein; and, consequently, was of the opinion that no action should be taken on the matter referred either by this committee or by the association.

Accordingly, this committee respectfully submits this report of its consideration of the matter referred to it; and the majority of the members of this committee submits the following **RECOMMENDATION**: That the proposed bill to amend R. S. 9:4861, so as to confer a privilege to secure the claim of a driller of a water well

upon the property of an owner at whose instance the well was drilled, be approved in principle by this Association, and referred to the incoming committee on Legislation with directions to take appropriate action to secure its introduction and adoption at the 1958 session of the Louisiana Legislature.

Henry G. McMahon, *Chairman*

Criminal Law Section

On May 10th this section met at Shreveport where the audience heard a most comprehensive address by Prof. Dale E. Bennett, of Louisiana State University, on the "Contemplated Plans for Revision of the Code of Criminal Procedure with a Bird's Eye View of Some of the Revision Problems" and an exceptional address by Hon. Edward M. Baldwin, Asst. Dist. Attorney, Parish of Orleans.

A general discussion followed these addresses, and on motion of Dale B. Bennett, duly seconded by J. St. Clair Favrot, District Attorney, Baton Rouge, unanimously approved, the panel was requested to draw up prospective legislation to be submitted through the proper channels relative to furnishing indigents, in parishes where no provision is made for paid court reporters, a copy of the entire transcript of testimony when timely requested, so that there would be on appeal before the Supreme Court the testimony of witness as to the facts when that Court is compelled to examine a question of fact, to determine a question of law or where it is contended by the defendant that there was no evidence of the crime charged or of an essential element thereof.

Election of officers was held, the incumbent chairman, M. E. Culligan, Vice-Chairman Jack L. Simms and Secretary Thompson L. Clarke being re-elected by acclamation, and for the term of council member expiring 1962, Edward M. Baldwin, was duly elected.

It was also duly moved and seconded

to correct the name of the council member's term expiring 1961, to show that it should be James Daniel McGovern, Jr. of New Orleans, La. and not Daniel A. McGovern II.

M. E. Culligan, *Chairman*

Committee on Charter and By-Laws

Your Committee on Charter and By-Laws respectfully reports that the following Articles of Incorporation of the Association were amended by vote of the majority of the membership:

Section 1 of Article VII and Section 1 of Article VIII of the Articles of Incorporation of the Association, creating a House of Delegates to be composed of one delegate from each judicial district (parish of Orleans included as a judicial district) who shall be an active or faculty member of the Bar of such district; provided, that in every judicial district where there are more than one district judge (the words "district judge" in this section include civil district judges, criminal district judges, juvenile judges and family court judges) such judicial district shall be entitled to one additional delegate for each such additional district judge. Each delegate shall be elected for a term of one year to begin with the commencement of the annual meeting following his election, and terminating with the commencement of the second annual meeting following his election or until the election and certification of his successor.

Article V of the Articles of Incorporation of the Association, increasing the membership dues of the Association, effective April 1st, 1957, providing for Twenty-five dollars per annum active membership dues for those admitted to the practice of law in Louisiana for more than five years, and for those who have been admitted for less than five years, Five dollars per annum. Members newly admitted to practice shall pay no dues until April 1st. next following their admission.

Joseph McCloskey, *Chairman*

Section of Local Bar Organizations

The Section of Local Bar Organizations had as its officers: John T. Guyton, of Shreveport, as Chairman; George J. Ginsberg, of Alexandria, as Co-Chairman; and Lawrence P. Simon, of New Iberia, as Secretary.

The section participated in the Sixth Louisiana Conference of Local Bar Associations held in Baton Rouge, Louisiana, on January 17, 18 and 19, 1957, and presented at that meeting an address by Mr. John R. Grace, General Council of the State Bar of Texas, whose subject was "Office of General Counsel, State Bar of Texas: Its Duties and Problems."

The section proposed to President Yancey that the suggestion of the American Bar Association be adopted by our state association with regard to the delivery of lectures by local lawyers in high schools throughout the state on "The Meaning of Communism," as prepared by the Florida Bar. It was suggested to our President that the Section of Local Bar Organizations would undertake to enlist the support of the various local bar associations in presenting this program. The Florida Bar also presented certain other lectures in an American Citizenship Lecture Series, such other lectures being entitled:

1. "You and the Courts";
2. "Our Constitution and the Courts";
3. "Your Duty to Take Part in Public Affairs";
4. "Relationships of Local, State and Federal Governments"; and
5. "Freedom of Press, Radio and Television."

The Board of Governors approved the adoption of a program for the Section of Local Bar Organizations similar to that undertaken by The Florida Bar. The Section will attempt to get this program under way in time to have it presented in local high schools throughout the state during the coming year, and the section will seek the coopera-

tion of the Committee on American Citizenship.

At the request of President Yancey, the Section has undertaken to obtain support from the local bar associations for the passage of the Jenkins-Keogh Bill, this being the legislation with which you all are familiar concerning the adoption of retirement plans for self-employed individuals.

The section elected these officers:

Lawrence P. Simon, of New Iberia, as Chairman;

George J. Ginsberg, of Alexandria, as Co-Chairman; and

Byron R. Kantrow, of Baton Rouge, as Secretary.

John T. Guyton, *Chairman*

Standing Committee on Legal Aid

Your Committee reports as follows:

1. Commencement of a study of the feasibility and admissibility of introducing the PUBLIC DEFENDER concept into Louisiana. Considerable data has been assembled. Receipt is awaited for a final report of a significant current study covering several states. No conclusions have been reached. Recommend continuation of this project next year.

2. At present, there are two operational organized Legal Aid facilities in Louisiana, both with full time paid staffs, both on a community wide basis. One is at New Orleans. One is at Shreveport. Both are Red Feather Agencies. In both, policies are guided by practicing attorneys from the local bar associations concerned. It is hoped that in the next year, the local bar association of Baton Rouge, Lake Charles, Alexandria, Monroe and other cities in the state will give serious consideration to the establishment of full time Legal Aid facilities.

3. Elsewhere in the state, substantially every judicial district has a designated and functioning volunteer Legal Aid Committee or Legal Aid Attorney, and are so listed in the National Legal Aid Directory.

4. At the current Annual Meeting of the Association, your committee presented a Section on Legal Aid.

5. Recommend study and report, next year, by a special committee, on the advisability and feasibility of introduction into Louisiana of some form of Lawyer Referral service.

Whitfield Jack, *Chairman*

Committee on Unauthorized Practice of the Law

During the past year the Committee on Unauthorized Practice of the Law was called upon to consider a variety of complaints among which were the following: that laymen were engaged in selecting and furnishing legal counsel for others; that laymen were attempting to give advice as to wills and inheritances; and that insurance adjusters had endeavored to settle cases direct with an attorney's clients without his knowledge or consent. There were also presented to the committee questions as to the right of a notary to handle an incorporation and as to the propriety of a corporation appearing in the courts in propria persona.

When such problems arise, the changing personnel of the committee must of necessity familiarize themselves with the legal background and the practical procedures to be employed. The operations of the committee are handicapped by the fact that no permanent files are maintained nor is there any index of matters previously considered. Thus, each succeeding committee fails to benefit from the experience of its predecessors. Not only should permanent files and a proper index be maintained, but there should be a small working library of the best current treatises and publications. It is believed much time would thereby be saved to the committee members and the handling of complaints expedited.

The committee understands that one of the prime motives for the recent increase in dues was to furnish it, as well as the Committee on Ethics and

Grievances, with full time counsel. In order to prevent public mischief resulting from encroachments by laymen, lay agencies and other unqualified groups who seek to inject themselves into matters which constitute the practice of law, it is recommended that the Bar conduct a vigorous, active and continuous program, with paid counsel at its helm. The committee would be in a much better position to carry out its functions with the assistance of such counsel, whose time and talents would be devoted continually to the purpose. Such counsel, in addition to relieving the committee of much of the present demands upon its time, would make and present a study of the various fields in which non-lawyer groups are encroaching, and with the advice of, and within the policies determined by, the Committee, proceed to take necessary corrective action.

Charles D. Marshall, *Chairman*

Admiralty Committee

The Committee on Admiralty which had been appointed during the previous year by President William W. Young, was reappointed. This was done in order to permit the committee to continue its work on drafting admiralty rules for the United States District Court for the Western District of Louisiana. Meetings of the committee have been held in New Orleans at various times during the year.

I am pleased to report that the project of the rules is being delivered to the Honorable Ben C. Dawkins, Jr. and the Honorable Edwin F. Hunter, Jr., Judges of the United States District Court for the Western District of Louisiana. In view of the fact that the Court has suggested that a conference be held with the committee after they have had an opportunity to review the rules, it is not considered timely or appropriate to attach copy of the project. It is anticipated that the substance of the rules will be promulgated by order of court within the next month or so.

One of the expressed purposes and duties of the committee is "to keep the officers and members of the Louisiana State Bar Association fully advised of all progress and evolution in the admiralty and maritime laws of the United States." With the many new important and difficult problems existing in connection with the off-shore drilling operations, such purpose is one to which we recommend that immediate serious study be given. It is recommended that

(a) A program be included in the 1958 meeting of the Louisiana State Bar Association to discuss current developments and trends in the law of admiralty and its relation to offshore drilling;

(b) A two-day "section" session be planned with speakers on appropriate problems that exist in relation to off-shore drilling as affected by the General Maritime Law, the Longshoreman and Harbor Workers Act, the Jones Act, etc. This program should not be restricted to attorneys.

Richard A. Anderson, *Chairman*

Supreme Court Building Committee

As Chairman of your Supreme Court Building Committee I desire to make this report on the progress and status of this project.

Due to situations beyond the control of the contractors, the construction schedule of the architects and contractors could not be adhered to and final completion of the building has been delayed. We are now advised that it is expected that the building will be completed and delivered to the State Building Authority some time in September of this year. If this is done and the furnishings, furniture and fixtures are installed without delay, it is possible that the October term of the Supreme Court might be convened in its new home.

A central heating and cooling system to serve both our building and the new State Office Building now being con-

structed in the Civic Center Plaza and adjacent to our building, for economy, convenience and efficiency, is located in the State Office Building. However, each building will have separate and independent control of its winter and summer heating and cooling requirements, insuring adequate and satisfactory temperatures in all of the chambers and offices of the building.

I have been much concerned over the provisions for the new furniture, furnishings and fixtures for the new building but that problem now seems well on the way to a satisfactory solution.

I am pleased to advise that the above will include the furniture, furnishings and fixtures for the adequate quarters that are provided in the building to be used and occupied by the Louisiana State Bar Association and we should not be put to any cost or expense for our new offices.

There will be a number of details to be taken care of as the building approaches completion. I have in mind the determination of the details for the cornerstone and plaque that the architects are proposing and the arrangements that will have to be made for proper disposal and placing of the portraits that are presently in the corridors of the Supreme Court quarters, and the plans and arrangements for the dedication of the building when completed. These are matters that will more properly be under the supervision and guidance of the Supreme Court and the officers of our association.

Our building shows up well. It is an imposing structure and will furnish modern and adequate quarters for our Supreme Court, its Court Room, Library, Conference Rooms and offices for the Chief Justice, Associate Justices, Clerk, and Record Rooms; for the Judicial Council, the Attorney General and for the Louisiana State Bar Association.

I sincerely trust that when your Committee makes its final report in

1958 on the completion of the duties assigned to us several years ago, that the project will meet with the general approval and it will be evident that we have worked with faithfulness, some diligence, and a great deal of satisfaction and pleasure to have done our part in obtaining a new, modern and imposing structure for our Supreme Court and for our Association.

H. Payne Breazeale, *Chairman*

Committee on Legal Education and Admission to the Bar

The Standing Committee on Legal Education and Admission to the Bar made a study of the Proposed Required Minimum Standards for Bar Examiners and Bar Examinations which have as their purpose the improvement of the quality of bar examinations and assurance of qualified bar examiners throughout the United States. The proposed standards include requirements that all candidates be graduates of law schools approved by the American Bar Association and that they must pass the Bar examination in order to be eligible for admission to the bar. The report of this committee endorsing the proposed standards has been referred by the Board of Governors to the Bar Admissions Committee for study and recommendations.

As stated in prior reports, the Standing Committee on Legal Education and Admission to the Bar favors the repeal of the diploma privilege and the adoption of a requirement that all candidates must pass the Louisiana bar examination in order to be eligible for admission to the bar. Therefore, the committee expresses the hope that the study of the Proposed Required Minimum Standards for Bar Examiners and Bar Examinations will create sufficient interest in the bar admissions problem to cause repeal of the diploma privilege. The diploma privilege is the most important bar admissions problem confronting us at this time.

Eugene A. Nabors, *Chairman*

Committee on Juvenile and Family Courts

At the annual meeting of the Association on May 4th, 1955, a resolution was adopted which read in part as follows:

"The Louisiana State Bar Association recognizes the need of specialized Courts of Family or Juvenile jurisdiction for the State of Louisiana.

"The President of this Association is therefore directed to appoint a committee of twelve lawyers and judges, all members of the Louisiana State Bar Association, which committee will investigate the possibility of establishing a Statewide system of specialized Family or Juvenile Courts for the State of Louisiana. The composition of this committee will be as follows:

One Family Court Judge
Two Juvenile Court Judges
Two District Court Judges
Two City Court Judges
Five Practicing Attorneys."

The following members were appointed to the Committee:

Judge Joe W. Sanders, *Chairman*;
Judge John J. Wingrave, Judge Chris T. Barnette, Judge Frank Voelker, Judge John T. Hood, Jr., Judge Mack E. Barham, Judge H. O. Lestage, Jr., Mr. Guy J. D'Antonio, Mr. Benjamin C. Bennett, Jr., Mr. Edgar H. Lancaster, Jr., Mr. Steve A. Alford, Jr., and Mr. Vernon W. Woods.

I. THE PRESENT COURT SYSTEM

A. Juvenile Matters.

In the parishes of Orleans, Caddo and East Baton Rouge, the cases of delinquent and neglected children fall within the jurisdiction of a separate specialized court with a court probation staff and auxiliary facilities. In the remaining sixty-one parishes of the State, the judges of the District and City Courts serve ex officio as Juvenile Court judges in addition to the performance of other judicial duties.

Generally, probation services and juvenile detention facilities are inadequate.

B. Domestic Relations.

Juvenile Court jurisdiction by statutory definition extends to a limited extent into other family problems such as criminal neglect of family. Only in the Parish of East Baton Rouge, where a Family Court has been vested with comprehensive jurisdiction, have all justifiable family problems including divorce been placed in a single specialized court. In all other parishes of the State separation, divorce, annulment and related matters fall within the jurisdiction of the District Court.

C. General.

From the foregoing analysis, it can be seen that there is a three-way fragmentation and overlapping of jurisdiction in juvenile and family matters. It is not uncommon for the Juvenile, City and District Courts to be judicially concerned with the same family in the throes of a family problem at the same time or at different times. This leads to a segmented approach, lack of specialization and failure to utilize social services in the solution of the problem. Social services in divorce actions are now used only to a minimal degree. Marriage counseling and reconciliation procedures are non-existent. Under the present system, legal procedure in divorce suits is directed almost entirely to the destruction of the marriage—not its preservation.

II. THE PLAN

A. The Court.

The committee was of the view that divorce, separation, non-support, delinquency and neglect of children were all interrelated and represent different facets of a single problem. All should be placed in a specialized court jurisdiction with adequate social services and auxiliary facilities. Specifically, it was the opinion of the Committee that specialized court jurisdiction should embrace the following:

1. Proceedings in the interest of delinquent and neglected children.
2. Criminal proceedings against

adults for the violation of any law for the protection of children.

3. Criminal proceedings for neglect or non-support of family.
4. Adoption of children and the termination of parental rights.
5. Divorce, separation and annulment of marriage, paternity, support and alimony including Reciprocal Enforcement of Support Act, custody of children, etc.
6. Habeas Corpus proceedings relating to custody of children, etc.
7. Applications for special permits for marriage (waiver of minimum age and 72 hour waiting period as now provided by law).

The following additional items were discussed but no recommendation is made in reference thereto:

Traffic violations of children.
Interspousal assaults and/or batteries.

Such a court structure should either be a separate court of district court level or an autonomous division of the district court. The committee expressed preference for the title of: The Family Court.

B. Court Social Services.

Probation and counseling services, usually referred to as court social services, are as necessary in the proper handling of juvenile and family matters as a competent, specialized judge. These services would operate in an area where they are now non-existent—for example, reconciliation and marriage counseling—and would be strengthened in such matters as child custody and delinquency. The judicial goal will always be to identify and “treat” the causes of the delinquency or marital conflict. The basic plan, therefore, embraces a social service staff.

C. Auxiliary Facilities.

The need for adequate juvenile detention facilities is recognized by the Committee. The Court must have available for use a Juvenile Detention Home for the temporary care of delinquent

children requiring secure custody until a disposition is made. It is estimated at the present time that a minimum of three thousand six hundred children are held in jails and lockups each year throughout the state. This practice is harmful to children and militates against rehabilitation into useful citizenship.

Shelter care facilities for neglected and other children not requiring secure custody are likewise essential. These facilities are operated for the care of children pending placement in foster homes or such other disposition as may be made.

D. General.

Such a court plan should be integrated into the present judicial system so as to assure equal protection and service to every family and child in the state. It should, therefore, have the following characteristics:

- a. Be geographically accessible and sufficiently close to the citizens it serves to be cognizant of local problems and conditions.
- b. Have a full-time judge who will become a specialist in the field.
- c. Jurisdictional authority to treat the total family problem and not mere segments of it.

The integration of the Family Court into the present judicial system and its financing require a technical study to ascertain the volume of family cases in each area, the number and types of personnel required, operational cost and other pertinent information. The Louisiana Youth Commission is now engaged in the study of a statewide plan for juvenile detention. This study can easily be broadened to include all aspects of a court system as set forth in this report.

It is, therefore, recommended:

- (1) That the Louisiana State Bar Association request the Louisiana Youth Commission to make a technical study to determine the method and cost of establishing a family court system in the State of Louisiana.

- (2) That this Committee be continued in existence to serve as a liaison agency between the Bar Association and the Louisiana Youth Commission, provide consultative services and perform such other duties as may become necessary to carry out the mandate of this Association.

Joe W. Sanders, *Chairman*

Committee on Continuing Professional Education

The committee, ever mindful of the changes in our society brought about by increased population, growing industrialization, widespread use of the automobile and the use of insurance, has centered its activities during the past year on legal problems on personal injury claims and litigation. Specifically, the Committee concerned itself with two areas of personal injury law, the increase in the frequency of claims and lawsuits against physicians and surgeons as a result of personal injuries claimed to have been caused by medical malpractice, and medical testimony in personal injury litigation and workmen's compensation cases.

At the mid-winter conference of local bar organizations at Baton Rouge, the committee presented a program concerned with medical malpractice in Louisiana. The program was moderated by the Honorable J. Skelly Wright, Judge, United States District Court, Eastern District of Louisiana, who led a highly qualified group of panelists consisting of three physicians and two members of the bar in discussions of the legal problems controlling medical malpractice claims and cases and the medical aspects of such cases. Representing the medical profession were Doctors Ambrose H. Stork and H. R. Soboloff, of New Orleans, and Doctor Joseph A. Sabatier, Jr., of Baton Rouge. The lawyers on the panel were Calvin E. Hardin, Jr., of Baton Rouge, presenting the plaintiff's viewpoint in medical malpractice cases, and

Thomas W. Davenport, of Monroe, who presented the views of the defense.

At the annual convention, the committee, jointly with the Section of Insurance Law, presented a panel discussion on "Impartial Medical Testimony" in personal injury litigation and workmen's compensation cases. The conflicts in testimony of medical experts appearing as witnesses for the plaintiff and the defense in such cases has caused the Louisiana Appeal Courts in some cases to disregard the medical testimony altogether and look to the lay testimony solely in deciding important medical questions. This situation has aroused the interest of the Orleans Parish Medical Society to the point that a special committee has been selected and instructed to contact the Louisiana State Bar Association for the purpose of working with the members of the bench and bar in this State in overcoming the criticism of medical testimony in personal injury cases and inquiring into the feasibility of a plan similar to that adopted in New York City and called the "Impartial Medical Testimony Project."

The Honorable Edward L. Gladney, Judge, Court of Appeals, Second Circuit, discussed his experiences with medical testimony in personal injury cases and also acted as moderator of the panel. Associate Justice Bernard Botein of the New York Supreme Court, Appellate Division, First Department, one of the originators of the New York plan, discussed very ably the conditions in New York courts which prompted the development of a medical testimony panel system under which the claimant is referred by the court to a physician on the panel in cases concerning personal injuries.

Doctor Howard Reid Craig, Executive Director, The New York Academy of Medicine discussed the experiences of the medical profession both in establishing an impartial medical panel and its operation.

Doctor A. M. Sam Houston, immediate past president, Orleans Parish

Medical Society and Chairman of the special committee appointed by that group to investigate the problems that have arisen locally in connection with medical testimony before the courts, discussed the experiences of the medical profession in personal injury cases in Louisiana and the desirability of adopting a plan similar to that currently in operation in New York.

The seriousness of the problem of impartial medical testimony in personal injury cases and the need for some program which would assure the trial courts of this State the necessary "impartial" assistance in personal injury litigation moves the committee to recommend to the Association that a special committee be appointed to work with the committee of the Orleans Parish Medical Society and any other interested group and determine the need for and feasibility of instituting a program dealing with impartial medical testimony in personal injury litigation before the courts of this State.

Michael J. Molony, Jr., *Chairman*

Committee on Legislation

The Committee on Legislation held three meetings during the past year while the Legislature was in regular session. At its organizational meeting, at which Mr. James L. Helm was elected Secretary, the committee decided to screen all bills introduced into the Legislature and to study only those bills and joint resolutions thought to be of general interest to the legal profession, with the exception of bills relative to oil, gas and mineral rights and joint resolutions on the calling of a Constitutional Convention.

The committee selected for study a total of 245 bills and joint resolutions. Of those selected, 74 were passed by the Legislature and approved by the Governor and thus became law.

The recommendations by this committee to the several legislative committees as to those bills which were enacted into law were as follows:

	Senate	House	Total
Recommended for adoption.....	7	12	19
Recommended for adoption after amendment.....	0	1	1
Recommended for rejection.....	10	3	13
No Recommendation.....	17	24	41
TOTAL	34	40	74

In addition to the above, the committee studied 171 bills which were not passed by the Legislature. Many of these were recommended for rejection, others were found to be without the scope of the committee's authority and still others were not acted upon either

favorably or unfavorably.

The committee actively and successfully opposed adoption of those bills seeking to limit appeals to the Supreme Court and Courts of Appeal in civil cases to questions of law only.

Laurance W. Brooks, *Chairman*

COMMITTEE ON OBITUARIES

Your Committee on Obituaries regretfully reports that the following members of the Louisiana State Bar Association have died since the last annual meeting of the Association, held in Biloxi, on May 2, 1956.

MEMBERS OF THE JUDICIARY

CHARLES ELLIS OTT

BOGALUSA

Late Judge,

Court of Appeal

First Circuit, Third District

Died, January 25, 1957

JOHN THOWAS HOOD, SR.

LAKE CHARLES

Late Judge,

14th Judicial District Court

Died, August 10, 1956

FRED WITHERSPOON OSER

NEW ORLEANS

Late Judge,

Criminal District Court

Parish of Orleans

Died, September 7, 1956

WILLIAM ALEXANDER BAHNS

NEW ORLEANS

Late Judge,

First City Court

Died, May 31 1956

MEMBERS OF THE BAR

MILTON RAMON DEREYNA

NEW ORLEANS

Died, May 2, 1956

ALEXANDER WARD SWORDS

NEW ORLEANS

Died, May 23, 1956

HENRY EDWARD FALLON

NEW ORLEANS

Died, May 27, 1956

LIONE JOHN BOURGEOIS

NEW ORLEANS

Died, June 25, 1956

JOHN ELLIOTT UNSWORTH

NEW ORLEANS

Died, July 4, 1956

WILLIAM ARISTEE WENCK

CHARLOTTESVILLE, VIRGINIA

Died, July 6, 1956

FRANCIS WILLIAMS

NEW ORLEANS

Died, July 16, 1956

WILLIAM JAMES GALLAGHER

NEW ORLEANS

Died, August 5, 1956

HAROLD MARX, JR.

NEW ORLEANS

Died August 15, 1956

ROBERT HARP HOPE

SHREVEPORT

Died, August 16, 1596

THEODORE COTONIO, SR.
NEW ORLEANS
Died, September 2, 1956

WILLIAM WALLER YOUNG
NEW ORLEANS
Died, September 12, 1956

CHARLES ISIDORE DENECHAUD
NEW ORLEANS
Died, October 21, 1956

WILLIAM CYPRIEN DUFOUR
NEW ORLEANS-TEMPLE, TEXAS
Died, November 14, 1956

FRANK THOMAS DOYLE
NEW ORLEANS
Died, December 9, 1956

CHARLES ANTHONY PALERMO
NEW ORLEANS
Died, December 13, 1956

HENRY PAYSON PATE
NEW ORLEANS
Died, January 11, 1957

VAN BUREN HARRIS
NEW ORLEANS
Died, January 17, 1957

ROGER E. PELLETIER
LACOMBE
Died, January 19, 1957

CHARLES LAWRENCE STIFFELL
NEW ORLEANS
Died, January 28, 1957

ROBERT L. A. INDEST
NEW ORLEANS
Died, January 30, 1957

CLAUDE BLANCHARD PROTHRO
SHREVEPORT
Died, February 7, 1957

BENJAMIN FRANKLIN THOMPSON, JR.
ALEXANDRIA
Died, March 18, 1957

NELSON STUART WOODY
NEW ORLEANS
Died, March 18, 1957

JOANNA MAGDALEN PALERMO
NEW ORLEANS
Died, March 25, 1957

WALTER GOETZ WEDIG, SR.
NEW ORLEANS
Died, April 1, 1957

Robert G. Pugh, Chairman

Condensed Report Of Secretary-Treasurer

Membership:

The Membership of the Association as of	
May 11, 1957 is.....	3,658
Made up as follows:	
Members of the Judiciary.....	128
of which number 33 City, Municipal	
and Traffic Court Judges are also on	
the active Membership rolls and pay	
membership dues.	
Active members, not including the 33 City,	
Municipal and Traffic Court Judges....	3522
Faculty Members	8
	3658

Included in the above are:

116 members in the Armed Forces
21 aged, not practicing, who do not
pay dues

Admissions to practice during 1956-1957 without examination by the Committee on Bar Admissions, under amendment by Supreme Court of Louisiana of June 2, 1953.....	117
Admissions by examination by the Committee	16
Deaths since last annual meeting.....	30
Members certified or to be certified inactive, at their request.....	36
Members made ineligible to practice be- cause of non-payment of dues.....	6

Your financial statement for the fiscal year
ending March 31, 1957, is as follows:

General Account:

Balances in Banks April 1, 1956.....		\$23,344.77
Dues Collected 1954-1955	3.00	
1955-1956	53.00	
1956-1957	22,147.50	
1957-1958	37,418.00	
1958-1959	58.00	
1959-1960	3.00	
	<hr/>	59,682.50
Penalties 1954-1955	5.00	
1955-1956	15.00	
1956-1957	75.00	95.00
	<hr/>	
Admission to the Bar Fees.....	1,160.00	
July, 1956 Examination Fees.....	775.00	
March, 1957 Examination Fees.....	325.00	2,260.00
	<hr/>	
Louisiana Formulary Annotated Royalties.....	85.95	
Interest U. S. Savings Bonds.....	242.95	62,366.40
	<hr/>	
Balance and Receipts.....		85,711.17
<i>Disbursements:</i>		
Salaries		13,668.28
Annual Meeting, 1956 Regular A/C.....		1,360.02
Annual Meeting, 1957 Regular A/C.....		542.38
Banks' Service Charge.....		14.22
Committee on Bar Admissions		1,029.73
Section of Taxation.....		50.54
Section of Labor Relations.....		154.08
Section of Trust Estates, etc.....		37.67
Section of Local Bar Organizations.....		226.68
Section of International, Comparative & Military Law.....		10.00
Section of Mineral Law.....		138.45
Section of Junior Bar.....		806.66
Public Information Committee.....		1,342.74
Board of Governors.....		1,794.78

Office Supplies and Incidentals.....	1,297.17
Rent	3,301.92
Postage, General	746.49
Telephones — Office.....	273.24
Telephones and Telegrams, General.....	68.58
Secretary-Treasurer's Premium Bond.....	12.50
Stationery and Printing — General.....	563.64
Louisiana Bar Journal.....	3,454.82
Louisiana Formulary Annotated.....	5.62
Exchange on Checks.....	8.70
Legislation	477.17
Admiralty	150.50
Inter-American Bar Association.....	136.00
President's Expense	667.80
1956 Memorial Exercises.....	267.24
Audit	300.00
Purchase United States Bond (\$10,000,000).....	9,884.05
Membership List	127.38
Nominations and Nominating Committee.....	595.15
House of Delegates.....	1,105.44
Constitutional Convention Referendum.....	1,414.26
Increase of Membership Dues.....	1,326.29
Sixth Louisiana Conference Local Bar Associations.....	1,035.38
Paris 1957 Meeting.....	66.50
Committee Continuing Professional Education.....	63.63
Electric Typewriter and wiring.....	451.06
Transferred to Annual Meeting Special Account	162.39
Advance to Committee on Professional Ethics & Grievances.....	1,000.00
 Total Disbursements, General Account.....	 50,139.10
 Balances in Banks March 21, 1957:	
General Account	35,572.07
Reserve Account	97.57
 U. S. Savings Bonds Series "K".....	\$ 4,500.00
U. S. 2-3/8% Treasury Bond '53.....	10,000.00
Petty Cash	15.00
 Bank Balances:	 50,184.64
National American	\$11,068.33
Whitney National City Branch.....	12,166.36
Hibernia	12,434.95
	 \$35,669.64
 Total 1956-1957 Dues Collected Previous to	
Apr. 1, 1956.....	\$ 8,884.50
Apr. 1, 1956 to Mch. 3, 1957.....	22,147.50
	 \$31,032.00

Actual Receipts 1956-1957.....			\$33,695.90
Actual Expenses Budgeted.....			33,232.45
Receipts over Expenses.....			463.45
Special Budgeted-Expended		16,572.75	
Less purchase U. S. Bond.....	9,884.05		
Transfer Annual Meeting			
Special Account	162.39	10,046.44	6,526.31

Expenditures over Receipts..... \$ 6,062.86
 Entertainment fees collected for 1957 annual meeting are not included in this Statement; they are in a special bank account, accounting for which are shown in the Audit.

The books have been audited by Edward J. deVerges, Certified Public Accountant, which audit is available.

J. Barnwell Phelps, Secretary-Treasurer

Louisiana Bar Journal — Financial Report

Four issues of the Journal have been published since the last annual meeting —

Cost of publication —

Stationery, printing, copyright entries, postage, telephone, telegrams and incidentals	\$ 513.37
Publishing issues January, April, July, October 1956	5,078.45
Assistance	150.00
	5,741.82
Less Advertisements	2,287.00
Expended	\$3,454.82

January, 1957 issue has been published and distributed, but not included in the above tabulation since it was issued and paid for after March 31, 1957, closing of the Association's fiscal year. The cost of publication

\$ 729.98

J. Barnwell Phelps, Editor

Brief and Court Record

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463.45

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Louisiana State Bar Association, 1957-58

House of Delegates

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John A. Carstarphen, Jr.
Pike Hall, Jr.
T. Haller Jackson, Jr.
Robert Roberts, Jr.
James A. Van Hook
All of Shreveport

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W. T. Holloway, Jonesboro
William F. M. Meadors, Jr., Homer

Third Judicial District

Fred W. Jones, Jr., Ruston

Fourth Judicial District

Joseph S. Guerriero, Monroe
H. Flood Madison, Jr., Monroe

Fifth Judicial District

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Sixth Judicial District

William B. Ragland, Jr., Lake Providence

Seventh Judicial District

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Eighth Judicial District

W. T. McCain, Colfax

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Twelfth Judicial District

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Fourteenth Judicial District

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G. William Swift, Jr., Lake Charles

Fifteenth Judicial District

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James Matt Buatt, Crowley

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Jacob S. Landry, New Iberia
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Laurance W. Brooks, Baton Rouge
A. Leon Hebert, Jr., Baton Rouge
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Maurice J. Wilson, Baton Rouge

Twentieth Judicial District

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Twenty-First Judicial District

Iddo Pittman, Jr., Hammond
Carroll Buck, Amite

Twenty-Second Judicial District

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Twenty-Third Judicial District

Clifton B. Dolese, Napoleonville

Twenty-Fourth Judicial District

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Paul M. Hebert, Baton Rouge
Thomas W. Leigh, Monroe
Robert Roberts, Jr., Shreveport
Donald Labbe, Lafayette
Richard E. Gerard, Lake Charles
T. C. McLure, Alexandria

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Charles L. Mayer, Shreveport
Frank W. Summers, Abbeville
H. Flood Madison, Jr., *Ch.*, Monroe
Arthur C. Watson, Natchitoches
Clement M. Moss, Lake Charles
F. W. Watts, Jr., Franklinton
Felicien Y. Lozes, New Orleans
Ernest A. Carrere, Jr., New Orleans

Unauthorized Practice of the Law

James H. Drury, *Ch.*, New Orleans
John R. Pleasant, Shreveport
Robert T. Farr, Monroe
Lamar Polk, Alexandria
G. William Swift, Jr., Lake Charles
T. L. Horne, Jr., Franklin
Arthur J. Waechter, Jr., New Orleans
C. Paul Phelps, Pontchatoula

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Walter G. Arnette, Jennings
W. Ford Reese, New Orleans

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 Walter J. Suthon, Jr., New Orleans
 Minos H. Armentor, New Iberia
 Horace M. Holder, Shreveport
 William C. Falkenhainer, Ferriday
 Henry G. McMahon, Baton Rouge
 Joseph E. Bass, Jr., Lake Charles
 George B. Hall, *Chairman*, Alexandria

War Work

Charles E. de la Vergne, *Chairman*,
 New Orleans
 Norman R. Tilden, New Orleans
 Clifton B. Dolese, Napoleonville
 Hal R. Henderson, Arcadia
 W. Dan Files, Bastrop
 Welton O. Seal, Bogalusa
 L. H. Coltharp, Jr., DeRidder
 Casimir D. Moss, Winnfield

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Whitfield Jack, *General Chairman*, Shreveport

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E. W. Gravolet, Jr.	Pointe-a-la-Hache	Plaquemines
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Lloyd R. Himel	Lutcher	St. James
Robert E. Baird	Reserve	St. John Baptist

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Parish

Risley C. Triche	Napoleonville	Assumption
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George T. Anderson, Jr.	Coushatta	Red River
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Philip B. Watson, Jr.	St. Joseph	Tensas
John C. Wagnon, CHAIRMAN	Farmerville	Union
Orlando N. Hamilton, Jr.	Oak Grove	West Carroll

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Parish

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Harry H. Richardson	Bogalusa	Washington
Theodore C. Strickland, Jr.	Port Allen	W. Baton Rouge
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Q. L. Stewart	Natchitoches	Natchitoches
Jules L. Davidson, Jr., CHAIRMAN	Alexandria	Rapides
John S. Pickett, Jr.	Many	Sabine
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James L. Womack	Winnfield	Winn

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 Fourth Congressional District, Jack H. Kaplan, Shreveport
 Fifth Congressional District, William H. Baker, Jonesboro
 Sixth Congressional District, Ellis C. Magee, Franklinton
 Seventh Congressional District, C. Kenneth Deshotel, Opelousas
 Eighth Congressional District, James L. Womack, Winnfield

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Shreveport
Harold Moses, *Secretary*, New Orleans

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